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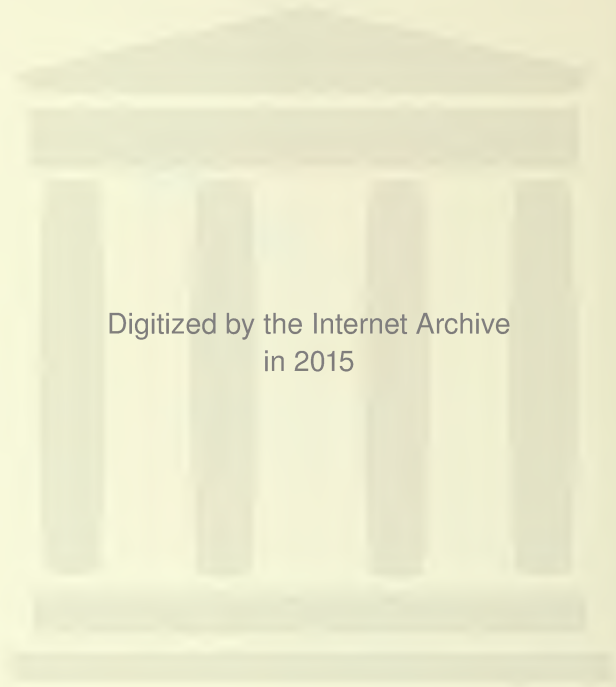
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City and County of San Francisco
Board of Supervisors

Full Board Agendas

City and County of San Francisco

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San Francisco, CA 94102-4689

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MEETING MINUTES

Tuesday, September 14, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt*

Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to approve August 10, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Finance and Audits Committee

040505 [Fees for notary services] **Supervisors Dufty, Ammiano**

Ordinance amending San Francisco Administrative Code Sections 8.33.1,

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833.2, and 834.1 to authorize the County Clerk, the Assessor-Recorder, and the Tax Collector to charge fees for providing notary services to the public in the amount of $10 for an Acknowledgment and $10 for a Jurat; and ratifying that requests for marriage certificate index records are subject to the same charges as are fictitious business name index records.

Enacted Number: 227-04
FINALLY PASSED

040955 [Fee Adjustments - Planning Department Services] Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to adjust fees for Planning Department services; and making environmental findings.

Enacted Number: 230-04
FINALLY PASSED

041060 [MOU - San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)] Mayor

Ordinance adopting and implementing Amendment #1, the negotiated agreement that amends the 2003-2005 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by extending the term of the parties' agreement through June 30, 2007 and by implementing specified terms and conditions of employment for fiscal years 2004-2005, 2005-2006 and 2006-2007 in accordance with the MOU's reopener provision.

Enacted Number: 233-04
FINALLY PASSED

041061 [MOU - San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2)] Mayor

Ordinance adopting and implementing Amendment #1, the negotiated agreement that amends the 2003-2005 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2) by extending the term of the parties' agreement through June 30, 2007 and by implementing specified terms and conditions of employment for fiscal years 2004-2005, 2005-2006 and 2006-2007 in accordance with the MOU's reopener provision.

Enacted Number: 234-04
FINALLY PASSED

Recommendations of the Land Use Committee

020188 [Designating 300 Bartlett Street, The Carnegie Mission Branch Library as Landmark No. 234] Supervisors Ammiano, Peskin, Maxwell, Gonzalez

Ordinance designating 300 Bartlett Street, the Carnegie Mission Branch Library, as Landmark No. 234 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

Enacted Number: 225-04
FINALLY PASSED

030142 [Designate the Laguna Honda Station, also known as the Forest Hill Station, At 390 Laguna Honda Boulevard As a Landmark] Supervisors Elsbernd, Peskin, Maxwell

Ordinance Designating the Laguna Honda Station, At 390 Laguna Honda Boulevard, as Landmark No. 231 Pursuant to Article 10, Sections 1004 And 1004.4 of the Planning Code.

Enacted Number: 226-04
FINALLY PASSED

040720 [Authorizing the Vacation and Transfer to the Redevelopment Agency of a Portion of Stevenson Street between 3rd and 4th Streets]

Ordinance ordering the summary vacation of an unused and unneeded portion of Stevenson Street between 3rd and 4th Streets; making findings pursuant to the California Streets and Highways Code, Chapter 4, Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the conveyance of the vacated portion of Stevenson Street to the San Francisco Redevelopment Agency; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

Enacted Number: 228-04
FINALLY PASSED

041003 [Parking Control - Dr. Carlton B. Goodlett Place] Supervisor Maxwell
Ordinance amending Article 3, Section 32.6.21 of the San Francisco Traffic Code to extend the boundary of the existing permit area, remove the official city-owned vehicle requirement and to replace references to Polk Street with Dr. Carlton B. Goodlett Place to reflect official name change.

Enacted Number: 232-04
FINALLY PASSED

Recommendations of the Rules Committee

040931 [Settlement of Lawsuit - Applied Remedial Technologies, Inc.]
Ordinance authorizing settlement of the lawsuit filed by Applied Remedial Technologies, Inc. against the City and County of San Francisco for eighty thousand dollars ($80,000); the lawsuit was filed on in the Superior Court of the City and County of San Francisco , Case No.CGC-03-419941; entitled Applied Remedial Technologies, Inc. v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 229-04
FINALLY PASSED

040975 [Settlement of Lawsuit - Jean B. Applebaum]
Ordinance authorizing settlement of the lawsuit filed by Jean B. Applebaum against the City and County of San Francisco for $240,000; the lawsuit was filed on July 31, 2002 in San Francisco Superior Court, Case No. 410-962; entitled Jean B. Applebaum, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 231-04
FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Finance and Audits Committee "Without Recommendation"

040973 **[Official Advertising - Type 2 non-consecutive day official advertising]**

Resolution designating the San Francisco Chronicle to be the official newspaper of the City and County of San Francisco for the category of Type 2 non-consecutive day official advertising, for the period commencing July 1, 2004 and ending June 30, 2005. (Purchaser)

Continued to November 16, 2004

Supervisor Daly, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Daly, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Ammiano, Dufty, McGoldrick

Recommendation of the Land Use Committee

040144 **[Basic Floor Area Ratio Limit for C-M Zoning Districts]** **Supervisors Daly, Gonzalez**

Ordinance amending the San Francisco Planning Code by amending Section 124(a) to provide that the basic floor area ratio limit for C-M Zoning Districts is 3.0 to 1 except for landmark buildings in C-M Zoning Districts; adopting findings.

NOT PASSED ON FIRST READING by the following vote:

Ayes: 5 - Ammiano, Daly, Gonzalez, Maxwell, Peskin
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, McGoldrick, Sandoval

NEW BUSINESS

Recommendations of the Land Use Committee

041090 [Conditionally Designate 938-942 Market, the Garfield Building, as a Landmark] Supervisor Gonzalez

Ordinance Conditionally Designating 938-942 Market, the Garfield Building, as Landmark No. 244 pursuant to Article 1, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

(Companion measure to File 041091.)

Supervisor Gonzalez requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040435 [Grant of Federal Funds] Supervisor Gonzalez

Resolution authorizing the Municipal Transportation Agency Board of Directors to accept and expend $3,929,039 of Federal Earmarked Capital Assistance for design and construction of Muni's Islais Creek facility. (Municipal Transportation Agency)

Supervisor Gonzalez requested to be added as sponsor.

Enacted Number: 539-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040436 [Grant of Federal Funds] Supervisor Gonzalez

Resolution authorizing the Municipal Transportation Agency Board to accept and expend $8,857,610 of Federal New Starts Capital Assistance for the Third Street-Phase II, New Central Subway project excluding administrative overhead costs. (Municipal Transportation Agency)

Supervisor Gonzalez requested to be added as sponsor.

Enacted Number: 540-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041092 [Street Artist Spaces] Supervisor Gonzalez

Resolution approving two (2) former temporary winter holiday selling spaces as permanent selling spaces on Market Street, south side, 4th to 5th Streets, and three (3) temporary winter holiday spaces as permanent spaces on Market Street, north side, at Montgomery Street, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said two spaces on Market Street, south side, 4th to 5th Streets, from Police Code Section 2405(c)(6) requiring street artists to sell not within (10) ten feet of the outer edge of any entrance. (Arts Commission)

Supervisor Gonzalez requested to be added as sponsor.

Enacted Number: 541-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recess

The Board recessed at the hour of 3:25 p.m.

Reconvening of the Board

The Board at the hour of 3:50 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma,

Maxwell, McGoldrick, Peskin - 9

Quorum present.

Supervisor Daly was noted present at 3:52 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Peskin, seconded by Supervisor Elsbernd, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the

following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 2 - Daly, Sandoval

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Matthew Deacon, member the United States Olympic Gold Medal Winning Rowing Team.

SPECIAL ORDER 3:30 P.M

041024 [Public Hearing - 1053-1055 Clayton Street]

Hearing of persons interested in or objecting to report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Clerk of the Board)

HEARD AT PUBLIC HEARING.

041222 [Assessment of Costs Special Assessment Lien for 1053-1055 Clayton Street]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

Enacted Number: 547-04

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

SPECIAL ORDER 4:00 P.M.

041199 **[Public Hearing - Appeal of Categorical Exemption - 2404 Broadway Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 3, 2004, Case No. 2004.0406E, approving the proposed project to vertically and horizontally expand an existing three-story-over-basement Colonial Revival house located at 2404 Broadway Street, Assessor's Block 562, Lot 4. (Appellants: Suzanne and Francoise Antounian, represented by their attorneys, G. Scott Emblidge and Rebecca Bedwell-Coll of Moscone, Emblidge & Quadra, LLP.)

(Filed August 18, 2004; companion measure to Files 041200, 041201, 0411202; District 3.)

Continued to September 28, 2004

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041200 **[Affirming the categorical exemption issued for 2404 Broadway Street]**

Motion affirming the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 28, 2004

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

041201 **[Disapproving the categorical exemption issued for 2404 Broadway Street]**

Motion disapproving the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to September 28, 2004

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

041202 **[Preparation of findings related to the categorical exemption issued for 2404 Broadway Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California environmental Quality Act. (Clerk of the Board)

Continued to September 28, 2004

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041179 **[Commending Bill Johnson]** Supervisors Elsbernd, Sandoval, Gonzalez

Resolution commending Bill Johnson on being the recipient of the OMRA's (Outer Mission Resident Association) "Claire Shea Person of the Year Award.

Supervisor Gonzalez requested to be added as a co-sponsor.

Enacted Number: 542-04

ADOPTED

041180 [Commending the Stern Grove Festival Association and the Recreation and Park Department] Supervisors Elsbernd, Ammiano, Ma, Gonzalez

Resolution commending the Stern Grove Festival Association and the Recreation and Park Department for a successful season of high quality performances, and extending best wishes to the Association's efforts with the Stern Grove Festival's Legacy Campaign.

Supervisor Gonzalez requested to be added as a co-sponsor.

Enacted Number: 543-04

ADOPTED

041193 [Urging the Governor of California, California Senate and State Assembly to reject Assembly Bill 2006] Supervisors Ammiano, Daly

Resolution urging the Governor of California, California Senate and State Assembly to reject Assembly Bill 2006, and further urging the California Public Utilities Commission to accelerate its Community Choice proceedings and continue its coordination of electric utility procurement and Community Choice Aggregation efforts in order to protect the rights of California ratepayers.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 550-04

ADOPTED

041194 [Maung Maung Day] Supervisor Ammiano

Resolution declaring August 10th, 2004 to be Maung Maung Day.

Enacted Number: 544-04

ADOPTED

041195 [Supporting the United Farm Workers, and urging Gallo of Sonoma to extend health benefits to the remaining 75% of its workforce hired through farm labor contractors] Supervisors Ammiano, Gonzalez, Daly

Resolution supporting the rights of working people to organize and furthermore urging Gallo of Sonoma and all employers to value the contribution of their workers and therefore project a positive image by meeting basic standards of fairness in all operations including fair wages, healthcare and benefits.

Supervisors Gonzalez and Daly requested to be added as co-sponsors.

Enacted Number: 545-04

ADOPTED

041196 [Harvey Milk Memorial Funds Transfer] Supervisor Gonzalez

Resolution requesting the office of the Controller of the City and County of San Francisco to transfer funds in the account for the Harvey Milk Memorial to the Harvey Milk City Hall Memorial Committee.

Enacted Number: 546-04

ADOPTED

041239 [Gift acceptance - 19th Avenue radar speed signs] Supervisors Elsbernd, Ma, Gonzalez

Resolution accepting a gift from the California State Automobile Association for two radar speed signs designated for use on 19th Avenue and all costs associated with installation of this equipment valued at $22,301.

Supervisor Gonzalez requested to be added as a co-sponsor.

Enacted Number: 548-04

ADOPTED

041198 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M04-100

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

041197 [Supporting card check neutrality agreements specifically between the Department of Human Services and contracts which have been competitively bid] Supervisors Sandoval, Gonzalez

Resolution supporting card check neutrality agreements for contracts with the Department of Human Services, the City and County of San Francisco.

Continued to September 21, 2004

Supervisor Gonzalez requested to be added as a co-sponsor.

Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved toADOPTED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly

041251 [Commending Denese Becker aka Dominga] Supervisor Sandoval

Resolution commending Denese Becker aka (Dominga) for her courage to become a witness in a landmark human rights case brought against the Guatemalan military for the crime of genocide at Rio Negro, Guatamala on March 13, 1982.

Enacted 549-04

Number:
ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041137 **[Zoning - Interim Moratorium on Demolition of Single-and Dual-screen Movie Theaters]** Supervisors McGoldrick, Alioto-Pier

Urgency Ordinance approving an interim zoning moratorium on demolition of single- and dual-screen movie theaters for 45 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

8/10/04, RECEIVED AND ASSIGNED to Land Use Committee.

8/18/04, REFERRED TO DEPARTMENT. Referred to Planning for review.

9/7/04, RESPONSE RECEIVED. Certification of determination of exemption/exclusion from environmental review pursuant to General Rule Exclusion, State Guidelines, Section 15061(b)(3).

9/14/04, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

9/14/04, ASSIGNED to Land Use Committee.

041242 **[Adding the Department on the Status of Women to the Justice Tracking System (JUSTIS) Committee Governance Council]** Supervisors Ma, Maxwell, Alioto-Pier, Dufty

Ordinance amending San Francisco Administrative Code Section 2A.85 by adding the Department on the Status of Women as a member of the Justice Tracking System (JUSTIS) Committee Governance Council and authorizing membership to agencies that operate programs integrally related to the criminal justice system.

9/14/04, RECEIVED AND ASSIGNED to Rules Committee. 10-14-04: Department on the Status of Women notified of Rules Committee Meeting on October 20, 2004.

041243 **[To appropriate funds for the Homeless Senior Outreach Program as part of DHS's homeless services program]** **Supervisor Daly**

Ordinance appropriating $150,000 from the Homeless Services Expansion Project to fund the Senior Case Management Services project for fiscal year 2004-05.

9/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041245 **[To substitute funds in General Fund for parking tax revenue currently appropriated to programs for Senior Citizens]** **Mayor, Supervisors Ma, Dufty, Elsbernd, Ammiano, Alioto-Pier, Peskin, Maxwell**

Ordinance substituting $10,710,000 of parking tax revenue currently appropriated to programs for senior citizens with $10,710,000 of General Fund for fiscal year 2004-05, as part of the September 9, 2004 state Court of Appeals ruling in the case City & County of San Francisco vs. Flying Dutchman Park, Inc.

(Fiscal impact.)

9/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041246 **[Approval to Negotiate Prices for Construction Trade Packages for the Laguna Honda Hospital Replacement Program]** **Supervisor Elsbernd**

Ordinance authorizing the Department of Public Works to negotiate prices for trade packages for the construction of the Laguna Honda Hospital Replacement Program.

(Fiscal impact.)

9/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041247 **[Zoning Map Amendment for 418-420 Jessie Street]** **Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 418-420 Jessie Street, situated on the north side of Jessie Street, 150 feet west of Fifth Street, and identified as Assessor's Block No. 3704, Lot No. 006, from a zoning designation of P (Public) to C-3-G (Downtown General Commercial); and adopting General Plan, Planning Code Section 101.1(b), and environmental findings.

9/14/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 10/14/2004.

041249 **[Requiring Graffiti-Resistant Parking and Traffic Control Signs]** **Supervisors Dufty, Ma, Ammiano, Maxwell,**

Elsbernd, Alioto-Pier

Ordinance amending Article 3 of the San Francisco Traffic Code by adding Section 51 to require the Department of Parking and Traffic to (1) replace all existing parking and traffic control signs defaced by graffiti with new signs treated with graffiti-resistant sheeting, and (2) install only new parking and traffic control signs treated with graffiti-resistant sheeting.

(Fiscal impact.)

9/14/04, RECEIVED AND ASSIGNED to City Services Committee.

041272 **[To appropriate funding from the General Reserve to increase available funding in the Election Fund for public financing]]** Supervisor Daly

Ordinance appropriating $423,750 from the General Fund Reserve to increase funds in the Election Campaign Fund for the purpose of public financing of all eligible candidates for the Ethics Commission for fiscal year 2004-2005.

(Fiscal impact.)

9/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041273 **[School Children Crossing Warning Signs]** Supervisors Ma, Maxwell, Dufty

Ordinance requiring all public and private parking lots and facilities, including parking lots maintained by commercial businesses, within 500 feet of Kindergarten through grade 12 school sites to post "Caution - School Children Crossing" signs at all parking lot exits

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041281 **[Creating the Fillmore Street Alcohol Restricted Use District]** Supervisor Gonzalez

Ordinance adding Section 249.29 to the Planning Code to create a Fillmore Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Zoning Map Sheets 2SU of the City and County of San Francisco to indicate the boundaries of the Fillmore Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

9/14/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 10/14/2004.

041282 **[Settlement of Unlitigated Claim - National Airlines]** Mayor

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission (the "Airport"), against National Airlines ("National") by approving a Settlement

Agreement pursuant to which National will pay to the Airport $12,374.23.
9/14/04, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

041251 [Commending Denese Becker aka Dominga] Supervisor Sandoval
Resolution commending Denese Becker aka (Dominga) for her courage to become a witness in a landmark human rights case brought against the Guatemalan military for the crime of genocide at Rio Negro, Guatamala on March 13, 1982.
9/14/04, ADOPTED.

041269 [Traffic Regulation - 14th and 15th Avenues Temporary Street Closure] Supervisors McGoldrick, Alioto-Pier
Resolution authorizing closure of a portion of 14th Avenue and 15th Avenue, every day including holidays.
9/14/04, RECEIVED AND ASSIGNED to Land Use Committee. 09/17/04 - Referred to Parking and Traffic for Environmental Review. 10/04/04 - Informed by Parking and Traffic that they are not authorized to perform the Environmental Review. Refer to Planning for Environmental Review.

041270 [Parking Regulations] Supervisor McGoldrick
Resolution enacting and rescinding parking regulations at various locations.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
O'Farrell Street, north side, from Van Ness Avenue to Polk Street, eliminating 13 parking meters.

TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Polk Street to Larkin Street.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
820 O'Farrell Street at Larkin Street, northwest corner, from Larkin Street to 94 feet westerly eliminating parking meter nos. 802, 804, 806 and 808, (to create a 94-foot left turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
895 O'Farrell Street at Polk Street, southeast corner, from 81 feet to 99 feet east of Polk Street, extending bus zone by 18 feet).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY -

ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street (establishing eleven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Larkin Street to Hyde Street (establishing ten parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
709 O'Farrell Street at Hyde Street, southwest corner, from Hyde Street to 90 feet westerly, (to create a 90-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Hyde street to Leavenworth Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Hyde Street to Leavenworth Street (establishing seven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Hyde Street to Leavenworth Street (establishing six parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
608 O'Farrell Street at Leavenworth Street, northwest corner side, from Leavenworth Street to Harlem Alley, (to create a 76-foot left-turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
501 O'Farrell Street at Jones Street, southwest corner, from Jones Street to 96 feet westerly, (to create a 96-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street (establishing nine parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Leavenworth Street to Jones Street (establishing nine parking meters).

NO STOPPING ANYTIME - REVOKE
METERED YELLOW ZONE, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH
340 O'Farrell Street, north side, from 245 feet to 289 feet east of Taylor Street (44-foot zone establishing two meters).

NO STOPPING ANYTIME - REVOKE
GENERAL METERED PARKING, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY -

ESTABLISH
360 O'Farrell

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee. 09/28/04 - Parking and Traffic informed of October 18, 2004 meeting date for posting purposes. Advertisement placed in the October 2, 2004 SF Independent newpaper.

041271 **[Traffic Regulations]** **Supervisor McGoldrick**

Resolution enacting and rescinding traffic regulations on various streets.

TRANSIT (CURB) LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Hyde and Leavenworth Streets.

TOW AWAY NO STOPPING, BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Leavenworth and Jones Streets.

TOW AWAY LANE (NORTH SIDE) - BUSES, TAXIS AND RIGHT TURNS ONLY, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
300 block of Geary Street (transit lane).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee. 09/28/04 - Parking and Traffic informed of October 18, 2004 meeting date for posting purposes. Advertisement placed in the October 2, 2004 SF Independent newpaper.

041280 **[Housing Authority Commissioner Julie Lee]** **Supervisors Gonzalez, Ammiano, Daly, Peskin, Elsbernd**

Resolution urging Housing Authority Commissioner Julie Lee to resign, urging the Mayor to call for her resignation and urging the Housing Authority Commission to call for her resignation.

9/14/04, RECEIVED AND ASSIGNED to Rules Committee.

041283 **[Street Renaming - Jasper Alley in North Beach to "Dante Benedetti Alley"]** **Supervisor Peskin**

Resolution changing the name of Jasper Alley in North Beach to "Dante

Benedetti Alley", in recognition of Dante Benedetti's many contributions to the community of North Beach and the City of San Francisco.

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041284 **[Extending expiration date of higher taxicab gate fee cap retroactively to February 1, 2005.]** Supervisor Ammiano

Resolution extending retroactively the date by which the City must enact specified ordinances in order to prevent expiration of higher cap on gate fees charged taxi drivers, from September 1, 2004, to February 1, 2005.

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041285 **[Flu vaccine]** Supervisor Alioto-Pier

Resolution urging the Department of Public Health to post information on its website and to provide information to pediatric clinics to pass along to parents regarding the flu vaccine, including, but not limited to, the importance of immunization against the flu and the lack of scientifically conclusive evidence of harm resulting from exposure to thimerosal in flu vaccines and to urge Governor Arnold Schwarzenegger to sign AB2943, the Mercury-Free Vaccine Act of 2004.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041286 **[Honoring Volunteers in Medicine]** Supervisor Alioto-Pier

Resolution honoring Volunteers in Medicine for establishing free medical clinics for the working uninsured.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041287 **[Supporting the Bay Area Addiction Research and Treatment Clinic in San Francisco]** Supervisor Ammiano

Resolution encouraging Senator Dianne Feinstein to support the Bay Area Addiction Research and Treatment Clinic in San Francisco.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041288 **[Urging the Recreation and Park Department to extend the operating season at Mission Pool]** Supervisors Dufty, Ammiano, Maxwell, Ma

Resolution urging the Recreation and Park Department to extend the operating season at Mission Pool.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041289 **[Supporting the Homeless Veterans March in Washington for Housing Justice September 10 through November 2, 2004]** **Supervisor Daly**

Resolution supporting and endorsing the Homeless Veterans March in Washington D.C. for Housing Justice, September 10 through November 2, 2004.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041291 **[Commending Geoff Rothman]** **Supervisors Elsbernd, Dufty**

Resolution commending Geoff Rothman for his outstanding accomplishments and dedicated public service throughout his thirty-five years of service with the City and County of San Francisco.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041292 **[San Francisco Unified School District General Obligation Bonds]** **Supervisors Elsbernd, Dufty, Ma**

Resolution authorizing the San Francisco Unified School District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2003 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; and granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Unified School District; and providing prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of bonds.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041293 **[Implementation of Safety Improvements along the 19th Avenue Corridor]** **Supervisors Elsbernd, Ma**

Resolution urging Caltrans to expedite the procurement of the construction contracts to ensure the implementation is completed by 2005.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041294 **[Accept - Expend Federal Grant]** **Supervisor Elsbernd**

Resolution authorizing the Mayor of the City and County of San Francisco to accept retroactively and expend a grant in the amount of $472,763 from the U.S. Department of Justice, Bureau of Justice Assistance to reduce crime and increase public safety, under the FY 2004 Local Law Enforcement Block Grants Program.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041295 **[Commending the 12th Annual Korean Day Festival 2004]** Supervisors Ma, Dufty, Maxwell

Resolution commending the 12th Annual Korean Day Festival 2004.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041296 **[Commending the 150th Anniversary of the Arrival of the Sisters of Mercy]** Supervisors Ma, Alioto-Pier, Dufty, Elsbernd

Resolution commending the 150th Anniversary of the Arrival of the Sisters of Mercy in San Francisco.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041297 **[Coastal Cleanup Day]** Supervisor Ma

Resolution declaring September 18, 2004 as "Coastal Cleanup Day" in the City and County of San Francisco.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041298 **[Commending the 25th Anniversary of The Women's Building]** Supervisors Ma, Dufty, Maxwell

Resolution commending the 25th Anniversary of The Women's Building.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041299 **[Commending the Committee for the Confucius Memorial Ceremony]** Supervisor Ma

Resolution commending the Committee for the Confucius Memorial Ceremony for their dedication to recognizing the teachings of Confucius.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041300 **[Urging the California Attorney General Bill Lockyer to join several states in a lawsuit against HUD over pesticide use in public housing]** Supervisor Maxwell

Resolution urging the California Attorney General Bill Lockyer to join New York, Illinois, New Mexico, Wisconsin, and the US Virgin Islands in a lawsuit

against HUD over pesticide use in public housing.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041301 **[Commending Reverend William Swing]** **Supervisor Peskin**

Resolution commending Reverend William Swing for his 25 years of extraordinary service in the City and County of San Francisco.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041302 **[Endorsing Old Mint Grant Application]** **Supervisors Peskin, Dufty**

Resolution endorsing the application to the California Cultural and Historical Endowment (CCHE) by the San Francisco Museum and Historical Society for CCHE Grant Funds for the project to preserve the historical Old Mint and create therein a San Francisco History Museum.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041303 **[CalHome Application]** **Supervisor Peskin**

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041304 **[Urging the California Public Utilities Commission to conduct a public investigation into PG&E's estimating of customer bills]** **Supervisor Sandoval**

Resolution urging the California Public Utilities Commission to open a public investigation into Pacific Gas & Electric Company's practice of estimating electric usage rather than reading the electric meter of each customer on a monthly basis to ensure that individual customers are not harmed by this practice.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041240 **[Board of Supervisors/Clerk of the Board Annual Budget Guidelines for FY 2005-06.]**

Hearing to consider the annual review and approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines for FY 2005-06. (Clerk of the Board)

9/14/04, RECEIVED AND ASSIGNED to Budget Committee.

041253 **[Status of negotiations between UNITEHERE Local 2 and the San Francisco Hotels Multi-Employer Group]** Supervisor Gonzalez

Hearing on the status of negotiations between UNITEHERE Local 2 and the San Francisco Hotels Multi-Employer Group and the possible effects of a strike, walkout, or consumer boycott for the hotel industry and the San Francisco economy.

9/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041254 **[Julie Lee]** Supervisor Gonzalez

Hearing on the appropriateness of Julie Lee serving on the Housing Authority Commission, given the pending investigations related to violations of the California Fair Political Practices Act.

9/14/04, RECEIVED AND ASSIGNED to Rules Committee.

041255 **[Progress of the Learning Support Services Program within the SFUSD]** Supervisor Ammiano

Hearing to determine current progress of the Learning Support Services Program within the San Francisco Unified School District.

9/14/04, RECEIVED AND ASSIGNED to City and School District Select Committee. Sponsor requests this item be scheduled for consideration at the October 11, 2004 meeting.

041256 **[Draft Supplemental Environmental Impact Statement of the Public Health Service Hospital at the Presidio]** Supervisors Alioto-Pier, McGoldrick

Hearing for City departments and citizens to comment on the Draft Supplemental Environmental Impact Statement of the Public Health Service Hospital at the Presidio of San Francisco.

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041257 **[Neighborhood movie theaters in San Francisco]** Supervisors Alioto-Pier, McGoldrick

Hearing to devise and implement strategies and programs to preserve neighborhood movie theaters in San Francisco.

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041258 **[Bill Graham Civic Auditorium]** **Supervisors Ma, Maxwell**

Hearing to discuss and consider the potential future use of the Bill Graham Civic Auditorium.

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041259 **[Audit plan for Nonprofit Agencies]** **Supervisor Ma**

Hearing to consider the audit plan for nonprofit agencies funded by the City and the enforcement of the City's public access to meetings laws.

9/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041260 **[Controller's work plan for performing functions under the City Services Auditor]** **Supervisors Ma, Dufty, Maxwell**

Hearing to consider the Controller's work plan for performing functions under the City Services Auditor, including Proposition Q audits.

9/14/04, RECEIVED AND ASSIGNED to Rules Committee. 10-14-04: Controller's Office notified of October 20, 2004 Rules Committee meeting.

041261 **[Release of reserved funds in the Department of Children, Youth and Families]** **Supervisor Sandoval**

Hearing to consider the release of reserved funds in the Department of Children, Youth and Families of $1.752 million for the purpose of Children's Emergency Services.

9/14/04, RECEIVED AND ASSIGNED to Budget Committee.

041262 **[Release of reserved funds in the Department of Aging and Adult Services]** **Supervisor Sandoval**

Hearing to consider the release of reserved funds in the Department of Aging and Adult Services of $750,000 for the purpose of Senior Services Programs.

9/14/04, RECEIVED AND ASSIGNED to Budget Committee.

041263 **[Release of reserved funds in the Mayor's Office of Criminal Justice]** **Supervisor Sandoval**

Hearing to consider the release of reserved funds in the Mayor's Office of Criminal Justice of $1 Million for violence prevention programs in high-risk areas in the City and County of San Francisco.

9/14/04, RECEIVED AND ASSIGNED to Budget Committee.

041264 [Release of reserved funds in the Public Utilities Commission] Supervisor Sandoval

Hearing to consider the release of reserved funds in the Public Utilities Commission of $2.5 Million for Youth Employment and Environmental Services in the City and County of San Francisco.

9/14/04, RECEIVED AND ASSIGNED to Budget Committee.

9/14/04, RESPONSE RECEIVED. Letter requesting release of reserve funds received.

041265 [Release of reserved funds in the Department of Public Works] Supervisor Sandoval

Hearing to consider the release of reserved funds in the Department of Public Works of $300,000 for the purpose of Youth Employment.

9/14/04, RECEIVED AND ASSIGNED to Budget Committee.

041266 [Zoning Administrator] Supervisor Daly

Hearing on the ability of the Zoning Administrator to approve changes to projects that have already obtained approvals at the Planning Commission and/or Board of Supervisors.

9/14/04, RECEIVED AND ASSIGNED to Rules Committee.

041267 [City's outside auditor General City Audit Plan for FY 03-04] Supervisor Daly

Hearing on the City's outside auditor to present the General City Audit Plan for Fiscal Year 2003-2004.

9/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 29, 2004 meeting.

Motions

041241 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

041252 **[Confirming Philip Ginsburg as Human Resources Director]** **Mayor**

Motion confirming Philip Ginsburg as Human Resources Director.

9/14/04, RECEIVED AND ASSIGNED to Rules Committee. 9/17/04: Notice to Appear at Rules Committee Meeting sent.

041268 **[Legislative Analyst Request - Speed limits, Construction of bulb-outs on State Highways]** **Supervisors Elsbernd, Alioto-Pier**

Motion requesting the Legislative Analyst to investigate to what extent California law allows localities to determine speed limits, construct bulb-outs, etc. on state highways. Also compare California's policies with those of Oregon, where, for example, localities are given the authority to set speed limits on state highways.

9/14/04, ASSIGNED to Board of Supervisors. Scheduled for consideration September 21, 2004.

041274 **[Legislative Analyst Request - Process for hiring workers]** **Supervisor Ammiano**

Motion requesting in-depth report of other municipalities' process for hiring workers.

5/14/04, ASSIGNED to Board of Supervisors. Scheduled for consideration September 21, 2004.

041290 **[Approving request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2003-2004 Budget unexpended annual budget appropriations in the amount of approximately** **Supervisor Daly**

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2003-2004 Budget unexpended annual budget appropriations in the amount of approximately $436,820 to provide funds for the first phase of costs associated with the legislative tracking system replacement.

(Fiscal impact.)

9/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

041206 [Settlement of Lawsuit - Yvette Castillo]

Ordinance authorizing settlement of the lawsuit filed by Yvette Castillo against San Francisco General Hospital and the City and County of San Francisco for $96,400; the lawsuit was filed on April 30, 2003 in San Francisco Superior Court, Case No. 416346 entitled Yvette Castillo v. San Francisco General Hospital, City and County of San Francisco. (City Attorney)

8/12/04, RECEIVED AND ASSIGNED to Rules Committee.

041207 [Settlement of Lawsuit - Leanna Mossi, et al.]

Ordinance authorizing settlement of the lawsuit filed by Leanna Mossi against the City and County of San Francisco for $97,500; the lawsuit was filed on November 21, 2002 in San Francisco Superior Court, Case No. 414-929; entitled Leanna Mossi, et al., v. City and County of San Francisco, et al. (City Attorney)

8/14/04, RECEIVED AND ASSIGNED to Rules Committee.

041203 [Settlement of Lawsuit - CCSF v ARCO, et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against AGI, American Airlines, Avis, Budget, Continental, Delta, Dollar, Federal Express, Japan Airlines, U.S. Air, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

8/23/04, RECEIVED AND ASSIGNED to Rules Committee. Department requests this item be scheduled for consideration at the September 22, 2004 meeting.

041191 [Settlement of Claim - CCSF v. WCB More II Limited Partnership, et al.]

Ordinance authorizing settlement of relocation benefits claim of California Bank & Trust Company by the payment of $340,000, arising from litigation entitled City and County of San Francisco v. WCB More II Limited Partnership, et al., filed on September 10, 1998 as San Francisco Superior Court Case No. 997-764. (City Attorney)

8/31/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041204 **[Contracting out Parking Meter Management System]**

Resolution concurring with the Controller's certification that parking meter management services, including collection and coin counting can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

8/19/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041205 **[Grant to provide consultation to the Brazilian government regarding the "Brazil AIDS and STD Control Project"]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AO) to accept retroactively and expend a grant in the amount of $15,800 from the World Bank (WB) to provide consultation to the Brazilian government regarding the "Brazil AIDS and STD Control Project" and to enter into an agreement, which contains an indemnification clause, for the use of these funds; for the period of April 1, 2004, to June 30, 2004. (Public Health Department)

8/24/04, RECEIVED AND ASSIGNED to City Services Committee.

041208 **[Contracting out Convention Facilities management, operation and maintenance services at Bill Graham Civic Auditorium and the Moscone Center]**

Resolution concurring with the Controller's certification that Convention Facilities management, operation and maintenance services can be practically performed at Bill Graham Civic Auditorium and the Moscone Center by private contractor for a lower cost than similar work services performed by City and County employees. (Administrative Services Department)

(Fiscal impact.)

8/24/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041223 **[Acceptance of Donation of Real Estate]**

Resolution authorizing the acceptance by the City and County of San Francisco of the donation of two lots from Rosario F. Occhipinti, a married man, and the Rosario F. Occhipinti Separate Property Trust dated August 15, 1989, (collectively "Occhipinti"), at no cost to the City, for the development of a playground, adopting findings that the conveyance is categorically exempt from Environmental Review, is consistent with the City's Eight Priority Policies of City Planning Code Section 101.1 and is in conformity with the City's General Plan; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Fiscal impact.)

8/30/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041232 [Accept- Expend State Loan for $1,622,940 for a Solar Power Plant at Southeast Water Pollution Control Plant]

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a loan in the amount of approximately $1,622,940 from the California Energy Commission to support the installation of energy efficiency measures and a 229 kilowatt solar electric system at the Southeast Water Pollution Control Plant (SEWPCP) 750 Phelps. (Public Utilities Commission)

8/31/04, RECEIVED AND ASSIGNED to City Services Committee.

041233 [Stop Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Grove and Scott Streets, stopping Scott Street, making this T-intersection an All-Way STOP;
Neptune Street and Thornton Avenue, stopping Thornton Avenue, making this intersection an All-Way STOP; and
Olympia Way and Panorama Drive, stopping Olympia Way at Panorama Drive, making this T-intersection an All-Way STOP. (Parking and Traffic Department)

8/26/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.

9/1/04, RECEIVED AND ASSIGNED to Land Use Committee. 09/28/04 - Parking and Traffic informed of October 18, 2004 meeting date for posting purposes. Advertisement placed in the October 2, 2004 SF Independent newpaper.

041234 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Webster Street, west side, between Broadway and Vallejo Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lyon Street, west side, from 16 feet south of Chestnut Street to 16 feet north of Chestnut Street (100-foot zone).

UNMETERED MOTORCYCLE PARKING - EXTEND
7th Street, west side, from 76 feet to 97 feet north of Townsend Street (accommodating an additional six unmetered motorcycle parking spaces).

TOW-AWAY, NO PARKING, 10 PM TO 6 AM, EVERYDAY - ESTABLISH
Lathrop Avenue, south side (400-600 blocks); and

Lathrop Avenue, north side, (600 block).

TOW-AWAY, NO STOPPING ANYTIME - EXTEND
Bayshore Boulevard, west side, from 220 feet to 310 feet south of Bacon Street (90-foot extension).

NO PARKING, 6 AM TO 9 AM, MONDAY THROUGH FRIDAY, AND 1-HOUR PARKING, 9 AM TO 6 PM, MONDAY THROUGH FRIDAY, 7 AM TO 6 PM, SATURDAY, EXCEPT VEHICLES WITH CARPOOL PERMITS - RESCIND
4th Street, east side, from Folsom Street to 125 feet southerly (parking meters to remain).

TOW-AWAY, NO STOPPING MONDAY - FRIDAY, 7 AM TO 9 AM - RESCIND
Folsom Street, east side, from 12th to 14th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Folsom Street, east side, from 75 feet south to 112 feet north of 13th Street.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Baker Street, east side, from Broadway to Pacific Avenue.

2 HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
PARKING METERS (METER RATE AREA NO.3), 2-HR TIME LIMIT, 7 AM - 6 PM, EXCEPT SUNDAY - ESTABLISH
Harrison Street, both sides, between 6th and 7th Streets.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Dolores Street, east side, from Duncan Street to a point 19 feet southerly (accommodates three motorcycle parking spaces and aids visibility at the corner).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
13th Street, from 102 feet to 56 feet east of Folsom Street (46 feet).

1 - HOUR PARKING, 7 AM - 6 PM, EXCEPT SUNDAY - RESCIND
2 - HOUR PARKING, 7 AM - 6 PM, EXCEPT SUNDAY - ESTABLISH
12th Street, between Folsom and Harrison Streets; and
Folsom Street, between 11th and 13th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Clarendon Avenue, north side, from Laguna Honda Boulevard to a point 100 feet easterly.

RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Capp Street, both sides, between 26th and Mission Streets (1100 block). (excludes the thru-lot of 3330 Cesar Chavez Street).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
23rd Street, both sides, between Dolores and Chattanooga Streets (3700 block).

NO PARKING ANYTIME EXCEPT BICYCLES - ESTABLISH
Grove Street, north side, from 147 feet to 194 feet west of the Hyde Street crosswalk.

GREEN ZONE, 9 AM - 6 PM, MONDAY THROUGH SATURDAY - RESCIND
GREEN ZONE, 8 AM - 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
18th Street, north side, from Diamond Street to 48 feet westerly (extended hours requires Board of Supervisor's approval).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME -

9/1/04, RECEIVED AND ASSIGNED to Land Use Committee. 09/28/04 - Parking and Traffic informed of October 18, 2004 meeting date for posting purposes. Advertisement placed in the October 2, 2004 SF Independent newpaper.

041235 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY - RESCIND
Fowler Avenue at Teresita Boulevard, southbound.

BICYCLE LANES - ESTABLISH
Folsom Street, northbound, from 11th to 14th Streets. (Parking and Traffic Department)

8/26/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.

9/1/04, RECEIVED AND ASSIGNED to Land Use Committee. 09/28/04 - Parking and Traffic informed of October 18, 2004 meeting date for posting purposes. Advertisement placed in the October 2, 2004 SF Independent newpaper.

PROPOSED MOTIONS

041213 [Appointment - Board of Appeals]

Motion approving the Mayor's appointment of Frank Fung to the Board of Appeals for the term ending July 1, 2008. (Mayor)

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041214.) Transmittal date - August 24, 2004.

8/24/04, RECEIVED AND ASSIGNED to Rules Committee. 9/16/04 - Applicant out of the country until 9/30/04, appointment to be considered on 10/6/04. 9/28/04 - Mailed Notice to Appear to applicant.

041214 [Appointment - Board of Appeals]

Motion rejecting the Mayor's appointment of Frank Fung to the Board of Appeals. (Mayor)

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.) Transmittal date - August 24, 2004.

8/24/04, RECEIVED AND ASSIGNED to Rules Committee. 9/16/04 - Applicant out of the country until 9/30/04, appointment to be considered on 10/6/04. 9/28/04 - Mailed Notice to Appear to applicant.

041215 [Appointment - Planning Commission]

Motion approving the Mayor's appointment of Dwight Alexander to the Planning Commission term ending July 1, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041216.) Transmittal date - August 24, 2004.

8/24/04, RECEIVED AND ASSIGNED to Rules Committee.

041216 [Appointment, Planning Commission]

Motion rejecting the Mayor's appointment of Dwight Alexander to the Planning Commission. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - (August 24, 2004.)

8/24/04, RECEIVED AND ASSIGNED to Rules Committee.

041220 [Appointment - Planning Commission]

Motion approving the Mayor's appointment of Dr. Michael Antonini to the Planning Commission term ending July 1, 2004. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public

hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041221. Transmittal date - (August 24, 2004.)

8/24/04, RECEIVED AND ASSIGNED to Rules Committee.

041221 [Appointment, Planning Commission]

Motion rejecting the Mayor's appointment of Dr. Michael Antonini to the Planning Commission. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - (August 24, 2004.)

8/24/04, RECEIVED AND ASSIGNED to Rules Committee.

041224 [Appointment, Human Services Commission]

Motion approving the Mayor's appointment of Michael DeNunzio to the Human Services Commission, for the term ending January 15, 2005. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to File 041225. Transmittal date - (August 30, 2004.)

8/24/04, RECEIVED AND ASSIGNED to Rules Committee. 9/9/04 - Mailed Notice to Appear to applicant.

041225 [Appointment, Human Services Commission]

Motion rejecting the Mayor's appointment of Michael DeNunzio to the Human Services Commission. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - (August 30, 2004.)

8/30/04, RECEIVED AND ASSIGNED to Rules Committee. 9/9/04 - Mailed Notice to Appear to applicant.

041226 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 041227, 041228. Transmittal date - (August 30, 2004.)

8/30/04, RECEIVED AND ASSIGNED to Rules Committee. 9/10/04 - Mailed Notice to Appear to applicant.

041227 [Appointment, Public Utilities Commission]

Motion rejecting the Mayor's appointment of Ryan Brooks to the Public Utilities Commission. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - (August 30, 2004.)

8/30/04, RECEIVED AND ASSIGNED to Rules Committee. 9/10/04 - Mailed Notice to Appear to applicant.

041228 [Appointment, Public Utilities Commission]

Motion taking no position concerning the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - (August 30, 2004.)

8/30/04, RECEIVED AND ASSIGNED to Rules Committee. 9/10/04 - Mailed Notice to Appear to applicant.

041229 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Richard Sklar to the Public Utilities Commission, for the term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the

authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 041230, 041231. Transmittal date - (August 30, 2004.)

8/30/04, RECEIVED AND ASSIGNED to Rules Committee. 9/9/04 - Mailed Notice to Appear to applicant.

041230 [Appointment, Public Utilities Commission]

Motion rejecting the Mayor's appointment of Richard Sklar to the Public Utilities Commission (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - (August 30, 2004.)

8/30/04, RECEIVED AND ASSIGNED to Rules Committee. 9/9/04 - Mailed Notice to Appear to applicant.

041231 [Appointment, Public Utilities Commission]

Motion taking no position concerning the Mayor's appointment of Richard Sklar to the Public Utilities Commission, for term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - (August 30, 2004.)

8/30/04, RECEIVED AND ASSIGNED to Rules Committee. 9/9/04 - Mailed Notice to Appear to applicant.

041094 [Waiver Permitting City Employees to Assist the Department of Elections with the November 2, 2004 election]

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 2, 2004 election. (Elections Department)

9/2/04, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To draft legislation establishing an 11-member Neighborhood Beautification Fund Advisory Board representing each of the eleven Supervisoral districts

From: Supervisor Ammiano

To: President, San Francisco School Board

Requesting/Inquiring: To notify members of the San Francisco School Board that a committee hearing has been called before the City and School District Committee on October 11, 2004 to consider the current progress of the Learning Support Services program within the San Francisco Unified School District.

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: To draft an ordinance to regulate the removal and alteration of trees.

From: Supervisor Elsbernd

To: Muni

Requesting/Inquiring: Requesting some redress to the concerns of residents whose homes border the right of way for the M-Streetcar line between Junipero Serra and 19th Avenue that object to the empty speeding streetcars that travel on this right of way in the late evening hours.

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: To draft an ordinance converting the Landmarks Preservation Advisory Board to the Landmark Preservation Commission.

From: Supervisor Peskin

To: All City Departments

Requesting/Inquiring: Please list the type and volume of food and beverage products purchased by your department on an annual basis and comment on whether or not your department considers standards regarding genetically modified food products when making food purchases.

From: Supervisors Peskin, Alioto-Pier

To: City Attorney

Requesting/Inquiring: To draft an ordinance requiring contribution and expenditure reporting for issue advocacy organizations, similar to transparency requirements for candidate

In Memoriams

Ben Brousseau (Entire Board)

Anthony John Zanze (Supervisors Alioto-Pier, Dufty)

Marty Gennoy (Supervisors Dufty, Ammiano)

William Davenport (Supervisor Dufty)

Samuel Gene Giuntini (Supervisor Dufty)

Pat Montclaire (Supervisor Dufty)

Violet Reilly (Supervisor Dufty)

Seizo Oka (Supervisors Ma, Dufty)

Wah Lee (Supervisor Peskin)

Elva Ramirez (Supervisor Sandoval)

ADJOURNMENT

There being no further business, the Board at the hour of 4:02 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 5, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San

Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
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AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

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The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
The Clerk of the Board's Office TTY number is (415) 554-5227.
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are

conducted before the people and that City operations are open to the people's review.
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

Tuesday, September 21, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt*

Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:19 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Peskin, moved to approve August 17, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Finance and Audits Committee

041082 **[Proposition J Contract - Security Guard Services: 1380 Howard Street]**

Resolution concurring with Controller's certification that security guard

services at the Department of Parking and Traffic Citation and Hearing Offices located at 1380 Howard Street can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)

Enacted Number: 556-04
ADOPTED

041104 [Proposition J Contract - Parking Citation and Collection System Services]
Resolution concurring with Controller's certification that processing parking citations and collecting parking citation revenue for the City can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)

Enacted Number: 557-04
ADOPTED

Recommendations of the Land Use Committee

041090 [Conditionally Designate 938-942 Market, the Garfield Building, as a Landmark] Supervisor Gonzalez
Ordinance Conditionally Designating 938-942 Market, the Garfield Building, as Landmark No. 244 pursuant to Article 1, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

(Companion measure to File 041091.)

Enacted Number: 238-04
FINALLY PASSED

041037 [STOP Intersections]
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
34th and Lawton Streets, stopping Lawton Street at 34th Avenue, making this intersection an All-Way STOP;
Grant Avenue and Vallejo Street, stopping Grant Avenue at Vallejo Street, making this intersection an All-Way STOP;
Mateo Street at Arlington Street stopping northbound and southbound Mateo Street at Arlington Street, making this intersection minor street STOP-controlled;

Cayuga and San Juan Avenues, stopping San Juan Avenue at Cayuga Avenue, making this intersection an all-way STOP; and
Grant Avenue and Green Street, stopping Grant Avenue at Green Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(7/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2849.)

Enacted Number: 552-04
ADOPTED

041038 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
12th Street, east side, from 119 feet to 140 feet south of Kissling Street (between the driveways of the parking garage).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Broadway, both sides, from Taylor Street to 250 feet westerly (legislates existing conditions);
Broadway, south side, from Taylor Street to Himmelman Place (legislates existing conditions);
Green Street, north side, From Taylor Street to Mason Street (legislates existing conditions); and
Jones Street, east side, from Green Street to Filbert Street (legislates existing conditions).

NO PARKING ANYTIME - RESCIND
Oak Street, north side, from Masonic Avenue to 200 feet westerly.

TOW-AWAY NO STOPPING, 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Oak Street, north side, from Masonic Avenue to 300 feet westerly.

TOW-AWAY NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND
Oak Street, north side, from Ashbury Street to 100 feet easterly.

ANGLE (45-DEGREE) PARKING - ESTABLISH
25th Avenue, east side, from Noriega Street to 90 feet northerly; and
25th Avenue, east side, from Noriega Street to 72 feet southerly.

ANGLE (60-DEGREE) PARKING - ESTABLISH
Noriega Street, south side, between 24th and 25th Avenues (replacing 45-degree parking).

NO PARKING 9 AM - 5 PM, EXCEPT SUNDAYS - RESCIND
NO PARKING 8 AM - 4 PM, EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS - ESTABLISH
Staples Street, north side, between Phelan and Hazelwood Avenues.

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Florida Street both sides, between 22nd and 23rd Streets (1000 block); and 23rd Street, both sides, between Bryant and Florida Streets (2800 block).

NO PARKING 7 AM - 6 PM - RESCIND
Rolph Street, south side, from Mission Street to 100 feet easterly.

TOW-AWAY, NO STOPPING FROM 7 AM - 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH
TOW-AWAY, LANE MUST TURN RIGHT - ESTABLISH
Irving Street, south side, from 19th Avenue to 64 feet westerly. (Parking and Traffic Department)

(7/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2849.)

Enacted Number: 553-04
ADOPTED

041039 [Traffic Regulations]
Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY AFTER CANDLESTICK PARK EVENTS EXCEPT TAXIS - ESTABLISH
Hawes, Ingalls and Jennings Streets, southbound, onto westbound Ingerson Avenue.

NO LEFT TURNS AFTER CANDLESTICK PARK EVENTS EXCEPT TAXIS - ESTABLISH
Griffith, Hawes, Redondo, Ingalls and Jennings Streets, northbound, onto westbound Ingerson Avenue. (Parking and Traffic Department)

(7/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2849.)

Enacted Number: 554-04
ADOPTED

Recommendations of the Rules Committee

041113 [Settlement of Lawsuit - Constance Ong, et al.]

Ordinance authorizing settlement of the lawsuit filed by Constance Ong against the City and County of San Francisco for $500,000; the lawsuit was filed on May 16, 2003 in San Francisco Superior Court, Case No. 420-576; entitled Constance Ong, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041125 **[Settlement of Claim - Gibson Group Trust]**

Resolution approving settlement of the unlitigated claim of the Gibson Group Trust in an amount not to exceed $67,000 for payment of past and future costs of responding to contamination at Gibson Environmental site; Bakersfield, California. (City Attorney)

Enacted Number: 560-04

ADOPTED

041168 **[Appointment - Childhood Nutrition and Physical Activity Task Force]**

Resolution appointing Erik Rosegard, term ending December 12, 2004, to the Childhood Nutrition & Physical Nutrition Task Force.

Erik Rosegard, succeeding Manuel Jiminez, resigned, seat 5, must be a parent or guardian, for the unexpired portion of a one-year term ending December 12, 2004.

Enacted Number: 564-04

ADOPTED

041218 **[Appointment - Library Citizens Advisory Committee]**

Resolution appointing Douglas Ryan to the Library Citizens Advisory Committee, for a two-year term ending July 18, 2006.

Douglas Ryan, new appointment, seat 14, must be a member from the community at large, representative of youth and children who shall be between the ages of thirteen and twenty-three at the time of appointment, for a two-year term ending July 18, 2006.

Enacted Number: 567-04

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules and Audits Committee

041112 [Appointment - Assessment Appeals Board No. 2]
Resolution appointing Margaret Ruxton, Mervin Conlan and Richard Lee for a three-year term ending September 3, 2007 as members to the Assessment Appeals Board No. 2.

Margaret Ruxton, succeeding Lawrence Lee, term expiring September 6, 2004, seat 2, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007. Mervin Conlan, succeeding himself, term expiring September 6, 2004, seat 3, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007. Richard Lee, succeeding Donald Schmidt, term expiring September 6, 2004, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007.

Enacted Number: 559-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Finance and Audits Committee

031988 **[Interdepartmental Transfer - Block 2870, Lot 48]** Supervisors Dufty, Elsbernd

Ordinance transferring jurisdiction of the real property identified as Assessor's Block 2870, Lot 48, from the Department of Public Works to the Recreation and Park Department; adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code, and requesting official actions in connection with this Ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041126 **[Setting San Francisco's fiscal year 2004-2005 property tax rate and establishing pass-through rate for residential tenants]**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2005. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041127 **[Setting S.F. Unified School District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2005. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041128 **[Setting S.F. Community College District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2005. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041171 **[Appropriate funding to the ranked-choice voting community education and ethnic media outreach program for radio and print ads]** Supervisors Gonzalez, Daly

Ordinance appropriating $75,000 from the General Fund Reserve to implement the ranked-choice voting community education and ethnic media outreach plan for the Department of Elections for fiscal year 2004-05.

Supervisor Daly requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041123 **[Prevailing rate of wages for workers engaged in theatrical or technical services related to the presentation of a show on City-owned property]** Supervisor Daly

Resolution fixing prevailing wage rates for workers engaged in theatrical or technical services (including but not limited to rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services) for shows on property owned by the City and County of San Francisco. (Civil Service Commission)

Supervisor Daly requested to be added as sponsor.

Enacted Number: 559-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041134 **[Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]** Supervisor Elsbernd

Resolution authorizing the Director of Public Works to execute amendment to a design agreement for the Laguna Honda Hospital Replacement Program from $31,533,540 to $32,595,782.

Enacted Number: 561-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041165 **[Conveyance of Property in San Mateo County]**

Resolution authorizing a conveyance of property in the County of San Mateo; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act and ratifying acts and authorizing actions in furtherance of this resolution. (Real Estate Department)

Enacted Number: 563-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041174 **[Appropriate bond proceeds for the demolition and other pre-construction activities for renovation and replacement of California Academy of Sciences facilities]** **Supervisor McGoldrick**

Ordinance appropriating $8,075,000 of 2000 Academy of Sciences bond proceeds for capital improvement projects on CAS facilities in Golden Gate Park for Department of Recreation and Parks and the Department of Public Works for fiscal year 2004-05, placing $8,075,000 on reserve.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041176 **[Bond Sale of California Academy of Sciences Improvement Bonds]** **Supervisors McGoldrick, Elsbernd**

Resolution authorizing and directing the sale of not to exceed $8,075,000 General Obligation Bonds (California Academy of Sciences Improvement Bonds, 2000), Series 2004B; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

Enacted 565-04

Number:

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Land Use Committee

040557 **[Update of Traffic Code reference pertaining to taxicab stands]**

Ordinance amending Section 39 of the San Francisco Traffic Code, updating Section referenced in the San Francisco Police Code pertaining to taxicab stands. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040558 **[Amending Police Code to extend commercial passenger-carrying vehicle restriction on Lyon Street north of Green Street]**

Ordinance amending Section 1183.17 of the San Francisco Police Code, adding two blocks of Lyon Street to the existing passenger-carrying commercial vehicle restricted areas. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041035 **[Amending San Francisco Traffic Code pertaining to speed limits on Market Street]**

Ordinance amending Sections 176.14 and 175.32 of the San Francisco Traffic Code, modifying speed limits on portions of Market Street. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041076 **[Approval of Port Lease Amendment and Restatement for Pier 23 Cafe, Inc.]** Supervisor Peskin

Resolution approving Lease Amendment and Restatement of Port Lease No. 12275 between the San Francisco Port Commission and Pier 23 Cafe, Inc., a California corporation, for the lease of real property commonly known as the Pier 23 Cafe.

Enacted Number: 555-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041152 **[Approval of Port Lease Amendment for Mama Franceschi's, L.P.]** **Supervisor Peskin**

Resolution approving Lease Amendment of Port Lease No. 8993 between the San Francisco Port Commission and Mama Franceschi's, L.P., for the lease of real property commonly known as Franceschi's Restaurant.

Enacted Number: 562-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Rules Committee

041172 **[Reenacting a Disadvantaged Business Enterprise Program]** **Supervisors Ammiano, Ma, Dufty, Maxwell, Alioto-Pier**

Emergency ordinance amending the San Francisco Administrative Code by adding Section 14A.03 to Chapter 14A to reenact a Disadvantaged Business Enterprise Program and suspend Chapter 12D.A, make applicable certain emergency contracting procedures, and provide for data collection to ensure nondiscrimination in City contracting; adopting declaration of emergency. (Clerk of the Board)

Supervisor Ammiano requested to be added as sponsor.

Supervisors Ma, Dufty, Maxwell and Alioto-Pier requested to be added as co-sponsors.

Continued to October 5, 2004

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040685 **[Establishing and administering a Supplemental Tax Deferred Plan]** **Supervisor Sandoval**

Ordinance adding Sections 16.62 through 16.62-3 to the San Francisco Administrative Code.

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Ordinance amending the San Francisco Administrative Code by adding Sections 16.62 through 16.62-3 requiring that certain lump sum payments be transferred to a Supplemental Tax Deferred Plan.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041225 [Appointment, Human Services Commission]

Motion rejecting the Mayor's appointment of Michael DeNunzio to the Human Services Commission. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - (August 30, 2004.)

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Motion rejecting the Mayor's appointment of Michael DeNunzio to the Human Services Commission, for the term ending January 15, 2005. (Mayor)

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Dufty, Elsbernd, Ma

041226 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 041227, 041228. Transmittal date - (August 30, 2004.)

Enacted M04-103

Number:

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041229 **[Appointment, Public Utilities Commission]**

Motion approving the Mayor's appointment of Richard Sklar to the Public Utilities Commission, for the term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 041230, 041231. Transmittal date - (August 30, 2004.)

Enacted M04-104
Number:

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

041080 **[Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project]**

Hearing to consider (1) adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; (2) adopting findings under the General Plan and City Planning Code Section 101.1; and (3) adopting a resolution of necessity for the City's proposed acquisition by eminent domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 (80 Natoma), in San Francisco.

Continued to September 28, 2004

Supervisor Elsbernd, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Dufty

Committee of the Whole Adjourn and Report Without Recommendation

041079 **[Eminent Domain - Resolution of Necessity (80 Natoma)]** Supervisors Daly, Ammiano, Dufty

Resolution authorizing acquisition of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 in San Francisco by Eminent Domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project; adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; and adopting findings under the General Plan and City Planning Code Section 101.1.

(Fiscal impact.)

Continued to September 28, 2004

Supervisor Elsbernd, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Dufty

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

041209 **[Public Hearing - Appeal of Final Mitigated Negative Declaration - 3150 18th Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on June 30, 2004, approving a Final Mitigated Negative Declaration (Case No. 2003.1028E), adopted and issued on June 30, 2004, for the proposed demolition of a set of approximately 26,500-gross-square foot (gsf), two-story light industrial office and warehouse buildings with six off-street parking spaces and construction of a five-story building consisting of approximately 260 units of rental workshops for arts activities, light manufacturing, repair and small business services uses located at 3150 18th Street, on Assessor's Block 3573, Lots 2 and 12. (Appellant: Kellie Seringer.)

(Appeal filed August 24, 2004 by Kellie Seringer; companion measure to Files 041210, 041211, 041212; District 9.)

Kellie Seringer, appellant

Male speaker; support of appellant

Joe Butler, architect; support of appellant

Richard Pennington; support of appellant

Mike Sagailovich; support of appellant

Male Speaker; support of appellant

Joan Kugler, Planning Department reviewed with the Board the Planning Department's recommendation.

Attorney from Morrison & Foerster, LLP, attorney for Project Sponsor

Ruby Harris; support of project sponsor

Ms. Kathleen; support of project sponsor

Joe Butler, Rebuttal for appellant

President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041210 **[Affirming adoption of the negative declaration for 3150 18th Street]**

Motion affirming Planning Commission adoption of the final negative declaration for 3150 18th Street. (Clerk of the Board)

Enacted Number: M04-101

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma,

Maxwell, McGoldrick, Peskin, Sandoval

041211 [Reversing adoption of the negative declaration for 3150 18th Street]

Motion reversing the Planning Commission adoption of the final negative declaration for 3150 18th Street. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041212 [Preparation of findings to reverse adoption of the negative declaration for 3150 18th Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 3150 18th Street. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; recent homicide of individual after Giant's game

Michael DeNunzio; issues regarding notification of Committee hearings

Ernestine Weiss; process of Mayoral appointments to allow the public to have input

Mahred; African people issues occurring in San Francisco

Steven Dreyfus, street performing committee; SF Police issues regarding street performers

Francisco Di Costa; toxic issues at Pier 98

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the

purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

Supervisors Alioto-Pier and Dufty wrere noted absent at 3:25 p.m.

Supervisor Alioto-Pier was noted present at 3:31 p.m.

041268 **[Legislative Analyst Request - Speed limits, Construction of bulb-outs on State Highways]** **Supervisors Elsbernd, Alioto-Pier**

Motion requesting the Legislative Analyst to investigate to what extent California law allows localities to determine speed limits, construct bulb-outs, etc. on state highways. Also compare California's policies with those of Oregon, where, for example, localities are given the authority to set speed limits on state highways.

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Alioto-Pier, Dufty

041274 **[Legislative Analyst Request - Process for hiring workers]** **Supervisor Ammiano**

Motion requesting in-depth report of other municipalities' process for hiring workers.

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Alioto-Pier, Dufty

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041248 **[Closed Session - Existing Litigation, City as Defendant]**

Motion that the Board of Supervisors convene in closed session with the City

Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following claim and/or litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of San Francisco Administrative Code Chapter 12D.a., which sets forth the City's public contracting policies and practices and includes a grant of preferences to minority-owned business enterprises and women-owned enterprises, on the grounds that Chapter 12D.a of the Administrative Code violates Article 1, section 31, of the California Constitution.

CORAL CONSTRUCTION, INC. V. CITY AND COUNTY OF SAN FRANCISCO
San Francisco Superior Court No. 421-249; California Court of Appeal No. A101027

The Closed Session is permitted by California Government Code Section 54956.9 (b) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending claim and/or litigation. (City Attorney)

Recess

The Board recessed at the hour of 2:20 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 2:40 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval - 11

Quorum present.

Report on the Closed Session

Deputy City Attorney Cheryl Adams reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above existing litigation.

Persons in Attendance:

Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Cheryl Adams, Deputy City Attorney

Sherri Sokeland-Kaiser, Deputy City Attorney,

Molly Stump, Deputy City Attorney,

Scott Emblidge, Outside Counsel

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

Meeting was informational only and no action was taken.

HEARD IN CLOSED SESSION.

[Elect Not to Disclose] Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved not to disclose it's Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisor Dufty was noted present at 3:36 p.m.

041285 [Flu vaccine] **Supervisor Alioto-Pier**

Resolution urging the Department of Public Health to post information on its website and to provide information to pediatric clinics to pass along to parents regarding the flu vaccine, including, but not limited to, the importance of immunization against the flu and the lack of scientifically conclusive evidence of harm resulting from exposure to thimerosal in flu vaccines and to urge Governor Arnold Schwarzenegger to sign AB2943, the Mercury-Free Vaccine Act of 2004.

Enacted Number: 568-04

ADOPTED

041286 [Honoring Volunteers in Medicine] **Supervisor Alioto-Pier**

Resolution honoring Volunteers in Medicine for establishing free medical

clinics for the working uninsured.

Enacted Number: 569-04
ADOPTED

041287 **[Supporting the Bay Area Addiction Research and Treatment Clinic in San Francisco]** Supervisor Ammiano

Resolution encouraging Senator Dianne Feinstein to support the Bay Area Addiction Research and Treatment Clinic in San Francisco.

Enacted Number: 570-04
ADOPTED

041288 **[Urging the Recreation and Park Department to extend the operating season at Mission Pool]** Supervisors Dufty, Ammiano, Maxwell, Ma

Resolution urging the Recreation and Park Department to extend the operating season at Mission Pool.

Enacted Number: 571-04
ADOPTED

041289 **[Supporting the Homeless Veterans March in Washington for Housing Justice September 10 through November 2, 2004]** Supervisor Daly

Resolution supporting and endorsing the Homeless Veterans March in Washington D.C. for Housing Justice, September 10 through November 2, 2004.

Enacted Number: 584-04
ADOPTED

041290 **[Approving request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2003-2004 Budget unexpended annual budget appropriations in the amount of approximately** Supervisor Daly

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2003-2004 Budget unexpended annual budget appropriations in the amount of approximately $436,820 to provide funds for the first phase of costs associated with the legislative tracking system replacement.

(Fiscal impact.)

Enacted Number: M04-106
APPROVED

041304 [Urging the California Public Utilities Commission to conduct a public investigation into PG&E's estimating of customer bills] Supervisor Sandoval

Resolution urging the California Public Utilities Commission to open a public investigation into Pacific Gas & Electric Company's practice of estimating electric usage rather than reading the electric meter of each customer on a monthly basis to ensure that individual customers are not harmed by this practice.

Enacted Number: 585-04
ADOPTED

041291 [Commending Geoff Rothman] Supervisors Elsbernd, Dufty

Resolution commending Geoff Rothman for his outstanding accomplishments and dedicated public service throughout his thirty-five years of service with the City and County of San Francisco.

Enacted Number: 572-04
ADOPTED

041292 [San Francisco Unified School District General Obligation Bonds] Supervisors Elsbernd, Dufty, Ma

Resolution authorizing the San Francisco Unified School District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2003 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; and granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Unified School District; and providing prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of bonds.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 573-04
ADOPTED

041293 [Implementation of Safety Improvements along the 19th Avenue Corridor] Supervisors Elsbernd, Ma

Resolution urging Caltrans to expedite the procurement of the construction

contracts to ensure the implementation is completed by 2005.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 574-04

ADOPTED

041294 **[Accept - Expend Federal Grant]** Supervisor Elsbernd

Resolution authorizing the Mayor of the City and County of San Francisco to accept retroactively and expend a grant in the amount of $472,763 from the U.S. Department of Justice, Bureau of Justice Assistance to reduce crime and increase public safety, under the FY 2004 Local Law Enforcement Block Grants Program.

Enacted Number: 575-04

ADOPTED

041295 **[Commending the 12th Annual Korean Day Festival 2004]** Supervisors Ma, Dufty, Maxwell

Resolution commending the 12th Annual Korean Day Festival 2004.

Enacted Number: 576-04

ADOPTED

041303 **[CalHome Application]** Supervisor Peskin

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

Enacted Number: 538-04

ADOPTED

041296 **[Commending the 150th Anniversary of the Arrival of the Sisters of Mercy]** Supervisors Ma, Alioto-Pier, Dufty, Elsbernd

Resolution commending the 150th Anniversary of the Arrival of the Sisters of Mercy in San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 577-04

ADOPTED

041297 [Coastal Cleanup Day] Supervisor Ma

Resolution declaring September 18, 2004 as "Coastal Cleanup Day" in the City and County of San Francisco.

Enacted Number: 578-04

ADOPTED

041298 [Commending the 25th Anniversary of The Women's Building] Supervisors Ma, Dufty, Maxwell

Resolution commending the 25th Anniversary of The Women's Building.

Enacted Number: 579-04

ADOPTED

041299 [Commending the Committee for the Confucius Memorial Ceremony] Supervisor Ma

Resolution commending the Committee for the Confucius Memorial Ceremony for their dedication to recognizing the teachings of Confucius.

Enacted Number: 580-04

ADOPTED

041300 [Urging the California Attorney General Bill Lockyer to join several states in a lawsuit against HUD over pesticide use in public housing] Supervisor Maxwell

Resolution urging the California Attorney General Bill Lockyer to join New York, Illinois, New Mexico, Wisconsin, and the US Virgin Islands in a lawsuit against HUD over pesticide use in public housing.

Enacted Number: 581-04

ADOPTED

041301 [Commending Reverend William Swing] Supervisor Peskin

Resolution commending Reverend William Swing for his 25 years of extraordinary service in the City and County of San Francisco.

Enacted Number: 582-04

ADOPTED

041241 **[Needle Exchange Emergency]** Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M04-105

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

041197 **[Supporting card check neutrality agreements specifically between the Department of Human Services and contracts which have been competitively bid]** Supervisors Sandoval, Gonzalez

Resolution supporting card check neutrality agreements for contracts with the Department of Human Services, the City and County of San Francisco.

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

Supervisor Sandoval, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution supporting card check neutrality agreements for competitively bid security services contracts with the Department of Human Services.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

041302 [Endorsing Old Mint Grant Application] Supervisors Peskin, Dufty

Resolution endorsing the application to the California Cultural and Historical Endowment (CCHE) by the San Francisco Museum and Historical Society for CCHE Grant Funds for the project to preserve the historical Old Mint and create therein a San Francisco History Museum.

Continued to September 28, 2004

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Peskin, seconded by Supervisor Daly, moved to rescind the previous vote.

Motion carried without objection.

Supervisor Peskin, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Maxwell, seconded by Supervisor Ma, moved ADOPTION of the commendatory finding ADOPTION of the Brown Act finding. The motion

carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Maxwell, seconded by Supervisor Ma, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041312 **[Commending Gwendolyn B. Tucker]** **Supervisors Maxwell, Dufty, Ma, Gonzalez**

Resolution commending Gwendolyn B. Tucker on the occasion of her retirement for her years of service and dedication to the City and County of San Francisco.

Enacted Number: 583-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

031932 **[Restricting the sale or transfer of 50 caliber firearms and ammunition, requiring reporting of firearm thefts, and deleting obsolete provisions regulating firearms]** **Supervisors Gonzalez, Dufty**

Ordinance amending the Police Code by deleting Sections 552, 556 and 557, relating to possession of firearms by minors and possession of facsimile firearms in order to conform to state law, amending Section 602 to delete redundant provisions and provisions relating to air guns in order to conform

to state law; amending Sections 613.1, 613.10 and 613.10-1 to delete requirements relating to "Saturday Night Specials," restrictions on the sale of large capacity magazines and various other requirements relating to firearms dealers in order to conform to state law and add new requirements in Section 613.10-1 to restrict the sale or transfer of 50 caliber firearms and ammunition; amending Sections 613.2 and 613.3 to require the Chief of Police to conduct a background check on applicants for a firearms dealer license and such applicants' employees; amending Sections 613, 613.10-3, 613.12, 613.16, 613.19, 617 and 618 to make technical and conforming corrections; amending Section 613.10-2, restricting the sale of ultracompact firearms to update findings and exceptions to restrictions on sales, deleting Sections 614 through 616, relating to reporting of firearms sales by dealers in order to conform to state law, renumbering existing Sections 617 and 618 as Sections 614 and 615; and adding a new Section 616, requiring owners of firearms to report the loss or theft of a firearm to the Police Department.

11/25/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 12/25/2003.

7/13/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

7/13/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 8/12/2004.

7/27/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

9/21/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

9/21/04, ASSIGNED to City Services Committee.

041307 **[Prohibiting smoking on unenclosed areas of City parks and recreational areas in San Francisco open to the public]** **Supervisor Alioto-Pier**

Ordinance amending the San Francisco Health Code by adding Article 19 I, encompassing Sections 1009.80 et seq., to prohibit smoking on any property that is open to the public under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, playground, sport or playing field, pier, or other property used for recreational purposes.

9/21/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 10/21/2004.

041308 **[Regulating the Distribution of Handbills]** **Supervisor Ma**

Ordinance amending Article 5.7 of the Public Works Code by repealing section 184.71, which required persons distributing Handbills to register and pay fees, amending section 184.74 to permit the City to recover costs incurred in cleaning up Handbills distributed in violation of the ordinance and to impose civil penalties for violations, and by renumbering sections 184.71 through 184.77.

9/21/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 10/21/2004.

041309 **[Public Employment - DPH, OES, Fire, Police, Sheriff, and Port]** Supervisor Ma

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) administrative provisions and reflecting the creation of forty-one positions and the deletion of five positions in the following departments: Public Health, Office of Emergency Services, Fire, Police, Sheriff, and Port.

(Fiscal impact.)

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041310 **[Tour buses prohibited on Stockton Street between Union and Greenwich Streets]** Supervisor Peskin

Ordinance adding Police Code Section 1183.32 to prohibit the driving of tour buses on Stockton Street between Union Street and Greenwich Street.

9/21/04, RECEIVED AND ASSIGNED to Land Use Committee.

041313 **[Payment of Reward - Jane Doe]** Mayor

Ordinance authorizing payment of a $12,500.00 reward to Jane Doe for supplying information leading to the arrest and conviction of the perpetrators who murdered Shayne Worcester.

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. The Mayor requests this item be scheduled for consideration at the September 29, 2004 meeting.

041314 **[Payment of Reward to three John Does]** Mayor

Ordinance authorizing payment of a $10,000.00 reward to be split amongst three John Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Parrish Wingard.

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. The Mayor requests this item be scheduled for consideration at the September 29, 2004 meeting.

041316 **[Surplus City Property]** Supervisor Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.9, 23A.10 and 23A.11 to specify terms for appointed members of the Surplus Property Citizens' Advisory Committee, to clarify the requirements under Administrative Code Section 23.3 applicable to dispositions of surplus and underutilized property, and to clarify policy and procedures for dispositions of City-owned surplus and underutilized real property that is not listed on the annual Surplus Property Report.

9/21/04, RECEIVED AND ASSIGNED to Rules Committee.

041317 **[Public Works Code Short-Term Occupancy of Right-of-Way]** **Supervisor Dufty**

Ordinance amending Public Works Code Section 724 concerning temporary occupancy of the public right-of-way to adopt special conditions for occupation of seven days or less.

9/21/04, RECEIVED AND ASSIGNED to City Services Committee.

Resolutions

041312 **[Commending Gwendolyn B. Tucker]** **Supervisors Maxwell, Dufty, Ma, Gonzalez**

Resolution commending Gwendolyn B. Tucker on the occasion of her retirement for her years of service and dedication to the City and County of San Francisco.

9/21/04, ADOPTED.

041315 **[Head Start Workers]** **Supervisors Ammiano, Maxwell, Sandoval**

Resolution urging all employers of Head Start workers to respect workers' rights and to honor their workers' decision to join the union of their choice.

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041319 **[Sewer Service Utility Contract]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Public Utilities Commission General Manager to execute the First Amendment to the Sewer Service Utility Contract (No. 1443CX061094018) with The Presidio Trust for the purpose of extending the existing contract term by twelve (12) months through September 30, 2005.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041320 **[Expressing support for Bringing America Home Act (H.R. 2897)]** **Supervisor Daly**

Resolution urging the Congressional delegation representing San Francisco to support the passage of the Bringing America Home Act (H.R. 2897), a comprehensive bill to end homelessness that addresses issues of affordable housing, livable income, civil rights protections, and health care for all.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041321 **[Approving hiring of displaced federal firefighters]** — Supervisor Dufty

Resolution approving the hiring of federal firefighters displaced by the closure of the Navy's fire station at Hunter's Point Shipyard, pursuant to the authority granted by California Government Code Section 53270.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041322 **[Commending Mildred Crear]** — Supervisors Dufty, Maxwell

Resolution commending Mildred Crear, the Director of Maternal and Child Health, for her 41 years of inspirational leadership at the Department of Public Health.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041323 **[Honoring the San Francisco Mime Troupe]** — Supervisors Dufty, Ammiano

Resolution honoring the San Francisco Mime Troupe for its 45 years of service.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041325 **[Honoring Denise M. Brady]** — Supervisors Dufty, Elsbernd, Gonzalez

Resolution honoring Denise M. Brady on the occasion of her retirement.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041326 **[Honoring Jim Tate]** — Supervisor Dufty

Resolution honoring Jim Tate for his years of service and his deep compassion for those in need.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041327 **[State funds for construction and renovation of branch libraries]** — Supervisors Elsbernd, Ma, Maxwell, McGoldrick, Sandoval, Alioto-Pier, Ammiano

Resolution urging the California Public Library Construction and Renovation Board to award five grants totaling over $22 million from Proposition 14 funds for the construction of new Ingleside, Ortega, Portola, and Visitacion

Valley branch libraries and the renovation of the Richmond branch library.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 9/23/04 - Supervisor Ammiano requested to be added as co-sponsor.

041328 **[Walk to School Day]** **Supervisors Ma, Elsbernd**

Resolution declaring October 6, 2004 as "Walk Our Children to School Day" in the City and County of San Francisco.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041329 **[Commending San Francisco Community Power]** **Supervisor Maxwell**

Resolution commending San Francisco Community Power for its dedication and commitment to promoting renewable energy, conservation, and demand-response programs in San Francisco's southeast neighborhoods and proclaiming October 5, 2004 as San Francisco Community Power Day.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041330 **[Urging State Regulatory Action]** **Supervisor Peskin**

Resolution endorsing On-Bill Financing as a cost effective means for small business owners to finance energy efficiency upgrades, and urging the California Public Utilities Commission to take appropriate action to facilitate creation of an On-Bill Financing program in California.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041331 **[Del Monte Square]** **Supervisor Peskin**

Resolution declaring September 28, 2004 Del Monte Square Day in San Francisco.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041332 **[Commending SEIU 250 on its 70th anniversary and its growth to 100,000 members]** **Supervisors Sandoval, Ma, Gonzalez**

Resolution commending the Service Employees International Union Local 250 on its 70th anniversary and its growth to 100,000 members.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041311 [Volunteers in Medicine Health Clinics] Supervisor Alioto-Pier

Hearing on establishing free medical clinics in San Francisco for the working uninsured through Volunteers in Medicine, a nonprofit organization that provides medical care to the working uninsured using volunteer retired physicians, nurses, dentists and other healthcare professionals.

9/21/04, RECEIVED AND ASSIGNED to City Services Committee.

041318 [Relationship between the Mayor's Office and the DBI]

Hearing on the relationship between the Mayor's Office and the Department of Building Inspection.

9/21/04, RECEIVED AND ASSIGNED to Rules Committee.

041324 [Status of the City's Efforts to Reduce Homelessness] Supervisor Alioto-Pier

Hearing for the Department of Human Services to report on the ongoing implementation of Care Not Cash, the Mayor's homeless outreach teams, the availability of needed services, as well as give the community the opportunity to comment on the department's progress.

9/21/04, RECEIVED AND ASSIGNED to City Services Committee.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

041093 [Transferring Unclaimed Trust Deposits from Parking Citations to the General Fund]

Resolution accepting outstanding and unclaimed trust deposits from parking citations as revenue to be transferred to the General Fund. (Parking and Traffic Department)

9/7/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041095 [County Refugee Plan]

Resolution approving the Federal Fiscal Year 2004 San Francisco County Refugee Plan. (Private Industry Council)

9/10/04, RECEIVED AND ASSIGNED to City Services Committee.

041096 **[Gift - Private]**

Resolution authorizing the Department of Public Health, San Francisco General Hospital to accept a gift of a mobile mammography facility vehicle and associated equipment, valued at $432,716, donated by the University of California, San Francisco for mobile mammography services to indigent and under-served women in San Francisco. (Public Health Department)

9/10/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Ammiano

To: Director, Housing Authority

Requesting/Inquiring: To clarify whether or not the department intends to file for bankruptcy.

Explain how bankruptcy might affect current tenants and further, whether such changes will be explained through a public notification process as letters to individual tenants, public hearings or other public outreach efforts.

Explain how bankruptcy might jeopardize federal assistance and continue public housing assistance for San Francisco tenants.

From: Supervisor Daly

To: Mayor's Office

To: Director, Planning Department

Requesting/Inquiring: Inquiring about the current staffing and workload of the Major Environmental Analysis (MEA) division of the Planning Department. Please detail the number of FTEs in the department for the last five years as well as the number of Environmental Evaluation applications submitted. Categorical Exemptions completed, EIR's completed, EIR's appealed and CEQA's submitted; and the average time for getting a planner assigned to a new case in that same time period.

From: Supervisor Dufty

To: City Attorney

Requesting/Inquiring: To draft legislation authorizing implementation of SB 1159 the Disease Prevention Demonstration Project removing the

requirement for a prescription to purchase sterile syringes.

From: Supervisor Elsbernd

To: City Attorney

Requesting/Inquiring: To draft legislation to include the following:

Increase the number of condominium conversions permitted each year from 200 to 1,200.

Only buildings of 12 units or fewer may be converted.

A majority of tenants must agree to purchase their units before conversion can take place.

Each tenant will receive a 20% discount off the market price for his or her unit.

Tenants who are unwilling or unable to purchase their units will be granted

In Memoriams

Winston Franklin (Supervisors Elsbernd, Dufty)

ADJOURNMENT

There being no further business, the Board at the hour of 5:18 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 19, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San

Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
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翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

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ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
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The Clerk of the Board's Office TTY number is (415) 554-5227.
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Government's duty is to serve the public, reaching its decision in full view of the

public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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MEETING MINUTES

Tuesday, September 28, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris*

Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:35 p.m. On the call of the roll Supervisor Sandoval was noted absent.

Quorum present.

Supervisor Sandoval was present at 5:38 p.m.

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Services Committee

041162 **[Improve pedestrian safety in San Francisco by coordinating citywide and targeted community-based safety campaigns]** **Supervisors Dufty, Elsbernd, Ma**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $319,706 from the California Office of Traffic Safety (OTS) to improve pedestrian safety in San Francisco and to enter into an agreement for the use of these funds; for the period of October 1, 2004, to December 31, 2006. (Public Health Department)

Enacted Number: 589-04
ADOPTED

041163 **[Provide assertive case management to people with HIV and substance abuse and mental disorders, Year 2]** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept retroactively and expend second year grant funds in the amount of $487,805 from the Substance Abuse and Mental Health Services Administration (SAMHSA) for assertive case management for triply-diagnosed people and to enter into an agreement for the use of these funds; for the period of June 1, 2004, to May 30, 2005. (Public Health Department)

Enacted Number: 596-04
ADOPTED

041164 **[Grant to provide SSI grant application assistance to the chronically homeless and mentally ill in San Francisco]** Supervisors Daly, Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of $195,320 from the Social Security Administration (SSA) to provide SSI application assistance to the chronically homeless and mentally ill in San Francisco and to enter into an agreement for the use of these funds; for the period of May 1, 2004, to April 30, 2005. (Public Health Department)

Enacted Number: 610-04
ADOPTED

041205 **[Grant to provide consultation to the Brazilian government regarding the "Brazil AIDS and STD Control Project"]** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AO) to accept retroactively and expend a grant in the amount of $15,800 from the World Bank (WB) to provide consultation to the Brazilian government regarding the "Brazil AIDS and STD Control Project" and to enter into an agreement, which contains an indemnification clause, for the use of these funds; for the period of April 1, 2004, to June 30, 2004. (Public Health Department)

Enacted Number: 593-04
ADOPTED

Recommendations of the Finance and Audits Committee

041171 [Appropriate funding to the ranked-choice voting community education and ethnic media outreach program for radio and print ads] — Supervisors Gonzalez, Daly

Ordinance appropriating $75,000 from the General Fund Reserve to implement the ranked-choice voting community education and ethnic media outreach plan for the Department of Elections for fiscal year 2004-05.

Enacted Number: 245-04

FINALLY PASSED

031988 [Interdepartmental Transfer - Block 2870, Lot 48] — Supervisors Dufty, Elsbernd

Ordinance transferring jurisdiction of the real property identified as Assessor's Block 2870, Lot 48, from the Department of Public Works to the Recreation and Park Department; adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code, and requesting official actions in connection with this Ordinance.

Enacted Number: 239-04

FINALLY PASSED

041126 [Setting San Francisco's fiscal year 2004-2005 property tax rate and establishing pass-through rate for residential tenants]

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2005. (Controller)

Enacted Number: 235-04

FINALLY PASSED

041127 [Setting S.F. Unified School District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]

Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2005.

(Controller)

Enacted Number: 236-04
FINALLY PASSED

041128 [Setting S.F. Community College District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2005. (Controller)

Enacted Number: 237-04
FINALLY PASSED

041174 [Appropriate bond proceeds for the demolition and other pre-construction activities for renovation and replacement of California Academy of Sciences facilities] Supervisor McGoldrick

Ordinance appropriating $8,075,000 of 2000 Academy of Sciences bond proceeds for capital improvement projects on CAS facilities in Golden Gate Park for Department of Recreation and Parks and the Department of Public Works for fiscal year 2004-05, placing $8,075,000 on reserve.

(Fiscal impact.)

Enacted Number: 246-04
FINALLY PASSED

041204 [Contracting out Parking Meter Management System]

Resolution concurring with the Controller's certification that parking meter management services, including collection and coin counting can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

(Fiscal impact.)

Enacted Number: 592-04
ADOPTED

041208 **[Contracting out Convention Facilities management, operation and maintenance services at Bill Graham Civic Auditorium and the Moscone Center]**

Resolution concurring with the Controller's certification that Convention Facilities management, operation and maintenance services can be practically performed at Bill Graham Civic Auditorium and the Moscone Center by private contractor for a lower cost than similar work services performed by City and County employees. (Administrative Services Department)

(Fiscal impact.)

Enacted Number: 594-04
ADOPTED

Recommendations of the Land Use Committee

040557 **[Update of Traffic Code reference pertaining to taxicab stands]**

Ordinance amending Section 39 of the San Francisco Traffic Code, updating Section referenced in the San Francisco Police Code pertaining to taxicab stands. (Parking and Traffic Department)

Enacted Number: 240-04
FINALLY PASSED

040558 **[Amending Police Code to extend commercial passenger-carrying vehicle restriction on Lyon Street north of Green Street]**

Ordinance amending Section 1183.17 of the San Francisco Police Code, adding two blocks of Lyon Street to the existing passenger-carrying commercial vehicle restricted areas. (Parking and Traffic Department)

Enacted Number: 241-04
FINALLY PASSED

041035 **[Amending San Francisco Traffic Code pertaining to speed limits on Market Street]**

Ordinance amending Sections 176.14 and 175.32 of the San Francisco Traffic Code, modifying speed limits on portions of Market Street. (Parking and Traffic Department)

Enacted Number: 243-04
FINALLY PASSED

Recommendation of the Rules Committee

041113 [Settlement of Lawsuit - Constance Ong, et al.]
Ordinance authorizing settlement of the lawsuit filed by Constance Ong against the City and County of San Francisco for $500,000; the lawsuit was filed on May 16, 2003 in San Francisco Superior Court, Case No. 420-576; entitled Constance Ong, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 244-04
FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recess

The Board recessed at the hour of 5:41p.m.

Reconvening of the Board

The Board at the hour of 7:41p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval - 11

Quorum present.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use Committee

040365 **[Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use and add notice and review procedures for changes of use to a formula retail use]** **Supervisors Gonzalez, Peskin, Maxwell, Dufty, Sandoval, Daly**

Ordinance amending Planning Code Section 312 to delete the requirement that changes of use per the use categories of Article 7, and changes in use to a retail coffee stores, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries uses, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312; to add the requirement that changes of use to a formula retail use be subject to the notification and review procedures of Section 312; to add the requirement that building permit applications for a change of use to a bar, liquor store, walkup facility, full-service restaurant, large fast food restaurant, small self-service restaurant, massage establishment, outdoor activity, or adult or other entertainment use be subject to the notification and review procedures of Section 312; to add the requirement that the Planning Department make available and update every six months its list of neighborhood organizations with interests in specific properties or areas; to provide that where a neighborhood organization that is required to receive project notification is not sent such notice the proposed project must be re-noticed; and to make findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved an amendment of the whole bearing new title.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use, add notice and review procedures for changes of use to a formula retail use, to require that changes of use to

bars, liquor stores, walkup facilities, other large institutions, other small institutions, restaurants, massage establishments, outdoor activities, or adult or other entertainment uses be subject to the notification and review procedures of Section 312, receive review for compliance with Neighborhood Commercial Design Guidelines and on-site noticing for 15 days, and to require that the Planning Department update and make available its list of neighborhood organizations with interests in specific properties or areas, and to provide that if a neighborhood organization required to receive project notification is not sent notice the proposed project must be re-noticed.

Continued to October 5, 2004

Supervisor Daly requested to be added as a co-sponsor.

Supervisor Ma, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Rules Committee

040685 **[Establishing and administering a Supplemental Tax Deferred Plan]** **Supervisor Sandoval**

Ordinance amending the San Francisco Administrative Code by adding Sections 16.62 through 16.62-3 requiring that certain lump sum payments be transferred to a Supplemental Tax Deferred Plan.

Enacted Number: 242-04

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the City Services Committee

041043 [Liquor License Transfer, Pier 39, Space J02]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 1255 22nd Street to Pier 39, Space J02 (District 3) to Monika D. Steiner for Wines of California will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 587-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041059 [Liquor License Transfer, 52-60 Sixth Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 60 Sixth Street to 52-60 Sixth Street (District 6) to Angel Cruz for Six Inc., dba Club Six, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 588-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041232 [Accept- Expend State Loan for $1,622,940 for a Solar Power Plant at Southeast Water Pollution Control Plant]

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a loan in the amount of approximately $1,622,940 from the California Energy Commission to support the installation of energy efficiency measures and a 229 kilowatt solar electric system at the Southeast Water Pollution Control Plant (SEWPCP) 750 Phelps. (Public Utilities Commission)

Enacted Number: 595-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

041175 **[Open Space Fund Financing]** Supervisors McGoldrick, Dufty, Elsbernd

Ordinance approving the issuance and sale of lease revenue bonds payable from the Park, Recreation and Open Space Fund to finance various park projects as further described herein; approving the form of a Site Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain City-owned properties located in the City (as further described herein); approving the form of a Master Lease by and between the Corporation and the City; approving the form of a Master Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an official notice of sale and a notice of intention to sell the lease revenue bonds; directing the publication of the notice of intention to sell the lease revenue bonds; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the payment of cost of issuance; authorizing reimbursement of certain expenditures; adopting findings under the California Environmental Quality Act and findings pursuant to City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal impact.)

Supervisors Dufty and Elsbernd requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041177 **[Bond Sale of Neighborhood Recreation and Park Facilities Improvement Bonds]** Supervisors McGoldrick, Elsbernd, Dufty

Resolution authorizing and directing the sale of not to exceed $68,800,000 General Obligation Bonds (Neighborhood Recreation and Park Facilities Improvement Bonds, 2000), Series 2004A; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

Supervisor Dufty requested to be added as a co-sponsor.

Enacted Number: 591-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041166 [Estate of Doris Campos] Supervisor Daly

Resolution accepting the bequest of Doris Campos on behalf of needy senior residents of San Francisco and designating the Department of Aging and Adult Services as the department to manage the distribution of the estate. (Adult and Aging Services)

Supervisor Daly requested to be added as sponsor.

Enacted Number: 590-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040226 [Sale of Surplus Property at 107 24th Avenue]

Resolution authorizing the sale of surplus City-owned real property located at 107 24th Avenue (Block 1334, Lot 1); adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to proceed with its sale at public auction. (Real Estate Department)

Enacted Number: 586-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

041080 [Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project]

Hearing to consider (1) adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; (2) adopting findings under the General Plan and City Planning Code Section 101.1; and (3) adopting a resolution of necessity for the City's proposed acquisition by eminent domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 (80 Natoma), in San Francisco.

Chris Peoples,on behalf of the State Legislature

President Bay Conservation

Tom Rudolvich, Member of the Bart Board

Michael McKay

Male Speaker

Female Speaker

Greg Harper; JTPA

Tim Tosta, requested documents submitted to Transportation Authority earlier to become a part of this record. (See Motion)

Emilio Cruz, submitted documents presented earlier to the Transportation Authority

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved that the documents submitted to the Transportation Authority earlier be included as a part of this record. (File 041079)

Motion carried without objection.

Committee of the Whole Adjourn and Report Without Recommendation

041079 **[Eminent Domain - Resolution of Necessity (80 Natoma)]** Supervisors Daly, Ammiano, Dufty

Resolution authorizing acquisition of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 in San Francisco by Eminent Domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project; adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; and adopting findings under the General Plan and City Planning Code Section 101.1.

(Fiscal impact.)

Enacted Number: 612-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

041199 **[Public Hearing - Appeal of Categorical Exemption - 2404 Broadway Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 3, 2004, Case No. 2004.0406E, approving the proposed project to vertically and horizontally expand an existing three-story-over-basement Colonial Revival house located at 2404 Broadway Street, Assessor's Block 562, Lot 4. (Appellants: Suzanne and Francoise Antounian, represented by their attorneys, G. Scott Emblidge and Rebecca Bedwell-Coll of Moscone, Emblidge & Quadra, LLP.)

(Filed August 18, 2004; companion measure to Files 041200, 041201, 0411202; District 3.)

Continued to November 16, 2004

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041200 **[Affirming the categorical exemption issued for 2404 Broadway Street]**

Motion affirming the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 16, 2004

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041201 **[Disapproving the categorical exemption issued for 2404 Broadway Street]**

Motion disapproving the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 16, 2004

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041202 **[Preparation of findings related to the categorical exemption issued for 2404 Broadway Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California environmental Quality Act. (Clerk of the Board)

Continued to November 16, 2004

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

COMMITTEE REPORTS

041094 **[Waiver Permitting City Employees to Assist the Department of Elections with the November 2, 2004 election]**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 2, 2004 election. (Elections Department)

Enacted Number: M03-107

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Gonzalez

041203 **[Settlement of Lawsuit - CCSF v ARCO, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against AGI, American Airlines, Avis, Budget, Continental, Delta, Dollar, Federal Express, Japan Airlines, U.S. Air, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041190 **[Reauthorization and Expansion of the First Source Hiring Program]** **Supervisors Maxwell, Gonzalez, Dufty, Daly**

Ordinance amending the San Francisco Administrative Code by amending sections 83.3, 83.4, 83.5, 83.6, 83.7, 83.9, 83.11 and 83.18 to: (1) expand the scope of the ordinance to apply to any work performed in the City by City contractors; (2) expand the definition of contract to include sole source contracts and contracts, loans and grants awarded by the City in excess of $50,000; (2) include residential projects, ad defined herein, to be subject to first source hiring requirements; (4) expand the definition of "commercial activity," as defined herein; (5) increase the First Source Hiring Administration's reporting requirements to the Mayor and the Board of Supervisors regarding the progress of the first source hiring program; (6) delete the requirement that the Purchaser must determine the applicability of the First Source Hiring Ordinance to certain service contracts; (7) require developers to obtain a first source hiring agreement or an exemption before the Planning Commission may approve development projects or other City departments may issue permits subject to first source requirements; and (8) extend operative date to January 1, 2009.

Supervisors Dufty and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abduallah Megaheed; general issues

Vernon Jenkins; general issues

Male Speaker; support of no-smoking legislation

Joan Girardo, Chair Presidio Work Group; requested that Item 37 to be sent to committee

Emery Conman; requested that Item 37 be sent to committee

Marilyn Ammino; housing element issues, requested that this matter be called out of Land Use Committee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041321 **[Approving hiring of displaced federal firefighters]** Supervisor Dufty

Resolution approving the hiring of federal firefighters displaced by the closure of the Navy's fire station at Hunter's Point Shipyard, pursuant to the authority granted by California Government Code Section 53270.

Enacted Number: 597-04
ADOPTED

041322 **[Commending Mildred Crear]** Supervisors Dufty, Maxwell

Resolution commending Mildred Crear, the Director of Maternal and Child Health, for her 41 years of inspirational leadership at the Department of Public Health.

Enacted Number: 598-04
ADOPTED

041323 **[Honoring the San Francisco Mime Troupe]** Supervisors Dufty, Ammiano

Resolution honoring the San Francisco Mime Troupe for its 45 years of service.

Enacted Number: 599-04
ADOPTED

041325 **[Honoring Denise M. Brady]** Supervisors Dufty, Elsbernd, Gonzalez

Resolution honoring Denise M. Brady on the occasion of her retirement.

Supervisors Elsbernd and Gonzalez requested to be added as co-sponsors.

Enacted Number: 600-04

ADOPTED

041326 **[Honoring Jim Tate]** **Supervisor Dufty**

Resolution honoring Jim Tate for his years of service and his deep compassion for those in need.

Enacted Number: 601-04

ADOPTED

041327 **[State funds for construction and renovation of branch libraries]** **Supervisors Elsbernd, Ma, Maxwell, McGoldrick, Sandoval, Alioto-Pier, Ammiano**

Resolution urging the California Public Library Construction and Renovation Board to award five grants totaling over $22 million from Proposition 14 funds for the construction of new Ingleside, Ortega, Portola, and Visitacion Valley branch libraries and the renovation of the Richmond branch library.

Enacted Number: 602-04

ADOPTED

041328 **[Walk to School Day]** **Supervisors Ma, Elsbernd**

Resolution declaring October 6, 2004 as "Walk Our Children to School Day" in the City and County of San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 603-04

ADOPTED

041329 **[Commending San Francisco Community Power]** **Supervisor Maxwell**

Resolution commending San Francisco Community Power for its dedication and commitment to promoting renewable energy, conservation, and demand-response programs in San Francisco's southeast neighborhoods and proclaiming October 5, 2004 as San Francisco Community Power Day.

Enacted Number: 604-04

ADOPTED

041330 [Urging State Regulatory Action] Supervisor Peskin

Resolution endorsing On-Bill Financing as a cost effective means for small business owners to finance energy efficiency upgrades, and urging the California Public Utilities Commission to take appropriate action to facilitate creation of an On-Bill Financing program in California.

Enacted Number: 605-04
ADOPTED

041331 [Del Monte Square] Supervisor Peskin

Resolution declaring September 28, 2004 Del Monte Square Day in San Francisco.

Enacted Number: 606-04
ADOPTED

041332 [Commending SEIU 250 on its 70th anniversary and its growth to 100,000 members] Supervisors Sandoval, Ma, Gonzalez

Resolution commending the Service Employees International Union Local 250 on its 70th anniversary and its growth to 100,000 members.

Supervisors Ma and Gonzalez requested to be added as co-sponsors.

Enacted Number: 607-04
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Without Reference to Committee

Supervisor Daly requested that this matter be severed so that it might be considered separately.

041319 [Sewer Service Utility Contract] Supervisor Alioto-Pier

Resolution authorizing the San Francisco Public Utilities Commission General Manager to execute the First Amendment to the Sewer Service Utility Contract (No. 1443CX061094018) with The Presidio Trust for the purpose of extending the existing contract term by twelve (12) months through September 30, 2005.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Finance and Audits Committee.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

041320 **[Expressing support for Bringing America Home Act (H.R. 2897)]** **Supervisor Daly**

Resolution urging the Congressional delegation representing San Francisco to support the passage of the Bringing America Home Act (H.R. 2897), a comprehensive bill to end homelessness that addresses issues of affordable housing, livable income, civil rights protections, and health care for all.

Supervisor Elsbernd requested that this matter be referred to Committee.

REFERRED to the Rules Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Maxwell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041357 **[Commending Mani Bruce Mitchell]** **Supervisors Dufty, Ammiano**

Resolution commending Mani Bruce Mitchell for her trailblazing efforts to promote equality for the intersex community.

Enacted Number: 608-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041358 [Honoring On Lok's 30th Street Senior Center] Supervisor Dufty

Resolution honoring On Lok's 30th Street Senior Center for its 25 years of service.

Enacted Number: 609-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041307 [Prohibiting smoking on unenclosed areas of City parks and recreational areas in San Francisco open to the public] Supervisor Alioto-Pier

Ordinance amending the San Francisco Health Code by adding Article 19 I, encompassing Sections 1009.80 et seq., to prohibit smoking on any unenclosed area of property in the City and County of San Francisco that is open to the public under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, playground, sport or playing field, pier, or other property used for recreational purposes.

(Fiscal impact.)

9/21/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 10/21/2004.

9/28/04, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute

ordinance bearing new title.

9/28/04, RECEIVED AND ASSIGNED to City Services Committee.

041350 [Amending and Adding to Section 184.78 of the Public Works Code Regarding Banners] Supervisors Ma, Dufty

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.

9/28/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 10/28/2004.

041351 [Contract for Electric Services] Supervisor Ma

Ordinance approving two contracts between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for electric services required to ensure reliable delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.19 of the San Francisco administrative code that every contract contain a statement regarding guaranteed maximum costs.

(Fiscal impact.)

9/28/04, RECEIVED AND ASSIGNED to City Services Committee.

041352 [Lease of City Property for Fair Market Value] Supervisors Daly, Gonzalez, Peskin, Ammiano

Ordinance establishing a Board of Supervisors' policy that City-owned property be leased for fair market value, unless a finding of public policy supports a below-market rate, and requiring all below-market rate leases to be reported to the Board of Supervisors and posted on the City's website.

9/28/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041353 [Encouraging Condominium Conversions Where Tenants Are Not Displaced] Supervisor Daly

Ordinance amending the Subdivision Code by amending Section 1359 to delete the exception for certain two-unit buildings; and by amending Section 1399.6 to give preference in the condominium lottery to buildings where certain evictions have not taken place.

9/28/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 10/28/2004.

041356 **[Back Streets Business Advisory Board]** Supervisors Maxwell, Dufty

Ordinance adding Sections 5.260 through 5.264 of the Administrative Code, to create a Back Streets Business Advisory Board, comprised of seven voting members appointed by the Board of Supervisors, and non-voting members representing various organs of government; to require the advisory board within nine months of its initial meeting to submit a report to the Board of Supervisors on matters pertaining to Back Streets businesses; to require the Board of Supervisors or a Board committee to hold a hearing on the report; and to authorize the advisory board to submit other reports to the Board of Supervisors and to communicate with the Board of Supervisors, other governmental entities, the business community, and the public on matters pertaining to Back Streets businesses.

9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

041319 **[Sewer Service Utility Contract]** Supervisor Alioto-Pier

Resolution authorizing the San Francisco Public Utilities Commission General Manager to execute the First Amendment to the Sewer Service Utility Contract (No. 1443CX061094018) with The Presidio Trust for the purpose of extending the existing contract term by twelve (12) months through September 30, 2005.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

9/28/04, REFERRED to Finance and Audits Committee. Supervisor Daly requested that this matter be referred to Committee.

041320 **[Expressing support for Bringing America Home Act (H.R. 2897)]** Supervisor Daly

Resolution urging the Congressional delegation representing San Francisco to support the passage of the Bringing America Home Act (H.R. 2897), a comprehensive bill to end homelessness that addresses issues of affordable housing, livable income, civil rights protections, and health care for all.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

9/28/04, REFERRED to Rules Committee. Supervisor Elsbernd requested that

this matter be referred to Committee.

040563 [San Jose Avenue, Guerrero Street Pedestrian Safety Improvements] — Supervisors Dufty, Ammiano

Resolution establishing various traffic and parking changes on portions of San Jose Avenue, Cesar Chavez Street, and Dolores Street.

7/20/04, RECEIVED AND ASSIGNED to Land Use Committee.

9/28/04, SUBSTITUTED. Supervisor Dufty submitted a substitute resolution bearing new title.

9/28/04, ASSIGNED to Land Use Committee. Sponsor requests this item be scheduled for consideration at the 10/18/04 meeting. 09/28/04 - Parking and Traffic informed of October 18, 2004 meeting date for posting purposes and to request an enviromental review. Advertisement placed in the October 2, 2004 SF Independent newpaper.

041354 [Utility Undergrounding Task Force] — Supervisors Dufty, Maxwell, Ma, Alioto-Pier

Resolution creating a Utility Undergrounding Task Force to advise the City and County of San Francisco concerning the future of utility undergrounding in San Francisco and to complete its work by September 1, 2005.

9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

041359 [Western SoMa Citizens Planning Task Force] — Supervisor Daly

Resolution establishing a 22 member Western SoMa Citizens Planning Task Force.

9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

041371 [San Francisco Night Ministries] — Supervisors Ammiano, Dufty

Resolution congratulating the San Francisco Night Ministry upon the occasion of its 40th anniversary and further the Night Ministry for its exemplary record of compassionate care and effective service to the citizens of the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041372 [San Francisco Weekly Article] — Supervisors Ammiano, Sandoval, Dufty

Resolution urging the publisher of the San Francisco Weekly to publicly respond to community concerns regarding caricatures of the Mission District residents depicted in Dan Siegler's piece entitled "Help Take Back The Mission District" published in the September 15, 2004 edition of the San

Francisco Weekly.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041373 **[Public hearing approval for issuance and sale of multifamily housing revenue bonds by CSCDA for Martin Luther Tower, L.P.]** Supervisor Daly

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $10,000,000 for the Project (as defined herein).

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041374 **[Commending Barbara Marino]** Supervisors Maxwell, Dufty

Resolution commending Barbara Marino for her years of contribution to the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041375 **[Urging SFSU to continue its Russian Program]** Supervisors McGoldrick, Dufty

Resolution urging San Francisco State University to continue its Russian Program.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041376 **[Lead Poisoning Prevention Program]** Supervisor Peskin

Resolution urging specified City departments to implement recommendations of the Department of Public Health set forth in the Director of Health's Report on the Comprehensive Environmental Lead Poisoning Prevention Program for The City and County of San Francisco dated December 2, 2003.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041377 **[Commending Nancy Bang]** Supervisor Peskin

Resolution commending Nancy Bang on the occasion of her retirement.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041378 **[Commending Sparky's Diner]** **Supervisor Dufty**

Resolution commending Sparky's Diner for winning a CORY, Commercial Recycler of the Year Award, for the third year in a row.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041379 **[Commemorative Plaque Designation - Haight Street Walk of Fame]** **Supervisor Gonzalez**

Resolution designating the public right of way from Central Avenue to Stanyan Street along Haight Street as eligible for the installation and maintenance of commemorative plaques, pursuant to Public Works Code Sections 789.2(a). In order to honor the musicians, artists, writers and other individuals that have contributed to the musical, artistic, and cultural heritage of the Haight District and the greater San Francisco Bay Area, identifying this area as the "Haight Street Walk of Fame."

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041380 **[James A. Johnston Month]** **Supervisor Ma**

Resolution declaring September 2004 as "James A. Johnston Month" in the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041381 **[Declaring October 2004 to be "Domestic Violence Awareness Month"]** **Supervisors Ma, Dufty**

Resolution declaring October 2004 to be "Domestic Violence Awareness Month" in the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041383 **[Accept and Expend State Grant]** **Supervisors Ma, Dufty**

Resolution authorizing the Executive Director of the Department of Parking and Traffic and the Director of the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling $630,000 for FY 2004-05 for various pedestrian and bicycle projects in the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041360 **[Sewer Service Utility Contract]** Supervisor Alioto-Pier

Hearing on the Sewer Service Utility Contract negotiations between PUC and the Presidio Trust regarding determination of capacity fees.

9/28/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041361 **[June 2007 Housing Element of the General Plan]** Supervisors Alioto-Pier, Elsbernd

Hearing to consider ways to structure the format and timeline of the public outreach and advisory process for the next update of the Housing Element of the General Plan that is due to be adopted in June 2007.

9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

041362 **[Audit of the Public Utilities Commission]** Supervisor Daly

Hearing to consider the Management Audit of the Public Utilities Commission - Clean Water Enterprise Fund.

9/28/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041363 **[Juvenile Probation Department's reduction of services to Asian Youth]** Supervisor Daly

Hearing to regarding the Juvenile Probation Department's reduction of services to Asian Youth.

9/28/04, RECEIVED AND ASSIGNED to Budget Committee.

041364 **[MUNI's Biodiesel Pilot Project]** Supervisor Gonzalez

Hearing on the implementation of MUNI's Biodiesel Pilot Project.

9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

041365 **[Balboa Park Better Neighborhoods Plan]** Supervisor Sandoval

Hearing to discuss the EIR and proposed work schedule for the implementation of the Balboa Park Better Neighborhoods plan as submitted by the Planning Department.

9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

041366 **[SFPUC Capital Improvement Program]** Supervisor Ma

Hearing to discuss the status of the SFPUC Capital Improvement Program and to identify potential opportunities and obstacles for moving this program forward.

9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

041367 [Kezar Stadium] Supervisor Ma

Hearing to discuss and consider the potential future uses of Kezar Stadium.

9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

041368 [Board Chamber Accessibility Retrofitting]

Hearing to review the recommendations of the Review Committee regarding retrofitting the Board Chamber to provide accessibility to the dais of the President of the Board of Supervisors. (Clerk of the Board)

9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

Motion

041349 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

7/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041382 [Supporting San Francisco Board of Supervisors/Clerk of the Board's Telecommute Pilot Project] Supervisors Ma, Gonzalez, Maxwell

Motion supporting the San Francisco Board of Supervisors/Clerk of the Board's Telecommute Pilot Project.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

041244 [Settlement of Lawsuit - Alema Hoskins, et al.]

Ordinance authorizing settlement of the lawsuit filed by Alema Hoskins, a

minor, by and through her guardian, Susie McAllister and Jeanell Harris, a minor, by and through her guardian, Inell Manuel against the City and County of San Francisco for $108,000; the lawsuit was filed on January 17, 2003 in San Francisco Superior Court, Case No 416-515; entitled Alema Hoskins, et al., v. City and County of San Francisco, et al. (City Attorney)

9/20/04, RECEIVED AND ASSIGNED to Rules Committee.

041250 **[Settlement of Lawsuit - Mehran Esmaili, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Mehran Esmaili, et al., against the City and County of San Francisco for $49,500; the lawsuit was filed on September 23, 1999, in Santa Clara County Superior Court, Case No. 1-02-CV805070; entitled Mehran Esmaili, et al. v. City of Millbrae, et al.; other material terms of said settlement are: (1) Each party shall mutually release the other from all claims arising from the February/March 2000 landslide that forms the basis of the action; (2) Each party shall dismiss with prejudice all complaints and cross-complaints filed in the action; and (3) Each party shall bear its own legal costs and fees;

9/20/04, RECEIVED AND ASSIGNED to Rules Committee.

041342 **[Settlement of Lawsuit - Apartment Investment and Management Company, aka AIMCO, et al.]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against AIMCO and seven of its corporate affiliates, filed on January 30, 2002 in San Francisco Superior Court, Case No. GCG 02-404-010, entitled City and County of San Francisco, et al., v. Apartment Investment and Management Company, aka AIMCO, et al., relating to code violations at four apartment buildings in Bayview/Hunters Point, and a cross-complaint against the City and certain individual employees filed on January 28, 2003; the settlement provides for payment to the City of a total of $3,000,000 plus an additional contingent payment of $500,000; $1,000,000 of the $3,000,000 payment from AIMCO will be dedicated to improving public safety in the area through helping establish a new Hunters Point/Bayview S.F. Boys and Girls Club with an associated Police Department Office; the settlement also provides that AIMCO has abated or will abate all notices of violation issued by the Department of Building Inspection that were the subject of the lawsuit; and approving satisfaction of DBI fees for AIMCO's proposed renovation of the Properties, through AIMCO's payment of settlement funds to the City. (City Attorney)

9/20/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041098 **[Accept-Expend Federal Grant]** Supervisors Ma, Dufty

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $339,964 from the United

States Department of Justice, Violence Against Women Office for Safe Havens. (Department of Children, Youth & Their Families)

9/14/04, RECEIVED AND ASSIGNED to City Services Committee.

9/20/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

Supervisor Dufty requested to be added as a co-sponsor.

041099 **[Street Artist Winter Holiday Spaces]**

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2004, beginning on November 15, 2004 and ending on January 15, 2005. (Arts Commission)

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041169 **[Municipal Railway Professional Services Contract CS-123, Amendment No. 7]**

Resolution authorizing the Director of Transportation to execute Amendment No. 7 to San Francisco Municipal Railway Contract No. CS-123, Professional Design and Construction Support Services for Muni Metro Third Street Light Rail Project, with WPK Third Street Consultants, for extra design work and additional construction support services, for an amount not to exceed $1,500,000, and a total contract amount not to exceed $11,481,206, and to extend the contract for one year. (Municipal Transportation Agency)

(Fiscal impact.)

9/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to restore parallel parking to the 1200 Block of Fitzgerald Avenue.

From: Supervisors Alioto-Pier and Elsbernd

To: Planning Department

Requesting/Inquiring: Inquiring about the department's plan for a public input process for the 2007 Housing Element Work Program and the status of any necessary additional staff to implement the proposed work program.

From: Supervisor Ma

To: City Attorney

Requesting/Inquiring: To prepare appropriate legislation(s) to address an emergency plan for the Board of Supervisors, including off-site emergency Board Meetings, which is consistent with the city's overall Disaster Plan.

In Memoriams

Timothy R. Griffith (Entire Board)

Ed Blankenheim (Supervisor Dufty)

Jack P. Smith (Supervisor Dufty)

John Coyne (Supervisor Elsbernd)

Leonard Joseph Oliver (Supervisor Elsbernd)

Mitzi Begley (Supervisors Peskin, Elsbernd)

Edward Zelinsky (Supervisors Peskin, Elsbernd)

ADJOURNMENT

There being no further business, the Board at the hour of 4:02 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 19, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second

public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
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AVISO EN ESPAÝOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
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The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
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For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are

conducted before the people and that City operations are open to the people's review.
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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MEETING MINUTES

Tuesday, October 5, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake*

McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve September 14, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Finance and Audits Committee

041175 **[Open Space Fund Financing]** **Supervisors McGoldrick, Dufty, Elsbernd**

Ordinance approving the issuance and sale of lease revenue bonds payable from the Park, Recreation and Open Space Fund to finance various park projects as further described herein; approving the form of a Site Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain City-owned properties located in the City (as further described herein); approving the form of a Master Lease by and between the Corporation and the City; approving the form of a Master Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of an Assignment Agreement by and between the Corporation and a

trustee; approving the form of an official notice of sale and a notice of intention to sell the lease revenue bonds; directing the publication of the notice of intention to sell the lease revenue bonds; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the payment of cost of issuance; authorizing reimbursement of certain expenditures; adopting findings under the California Environmental Quality Act and findings pursuant to City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal impact.)

Enacted Number: 249-04
FINALLY PASSED

041096 **[Gift - Private]**

Resolution authorizing the Department of Public Health, San Francisco General Hospital to accept a gift of a mobile mammography facility vehicle and associated equipment, valued at $432,716, donated by the University of California, San Francisco for mobile mammography services to indigent and under-served women in San Francisco. (Public Health Department)

Enacted Number: 611-04
ADOPTED

Recommendations of the Rules Committee

041191 **[Settlement of Claim - CCSF v. WCB More II Limited Partnership, et al.]**

Ordinance authorizing settlement of relocation benefits claim of California Bank & Trust Company by the payment of $340,000, arising from litigation entitled City and County of San Francisco v. WCB More II Limited Partnership, et al., filed on September 10, 1998 as San Francisco Superior Court Case No. 997-764. (City Attorney)

PASSED, ON FIRST READING

041206 **[Settlement of Lawsuit - Yvette Castillo]**

Ordinance authorizing settlement of the lawsuit filed by Yvette Castillo against San Francisco General Hospital and the City and County of San Francisco for $96,400; the lawsuit was filed on April 30, 2003 in San Francisco Superior Court, Case No. 416346 entitled Yvette Castillo v. San Francisco General Hospital, City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

041207 **[Settlement of Lawsuit - Leanna Mossi, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Leanna Mossi against the City and County of San Francisco for $97,500; the lawsuit was filed on November 21, 2002 in San Francisco Superior Court, Case No. 414-929; entitled Leanna Mossi, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041203 **[Settlement of Lawsuit - CCSF v ARCO, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against AGI, American Airlines, Avis, Budget, Continental, Delta, Dollar, Federal Express, Japan Airlines, U.S. Air, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

Enacted Number: 251-04
FINALLY PASSED

041190 **[Reauthorization and Expansion of the First Source Hiring Program]** **Supervisors Maxwell, Gonzalez, Dufty, Daly**

Ordinance amending the San Francisco Administrative Code by amending sections 83.3, 83.4, 83.5, 83.6, 83.7, 83.9, 83.11 and 83.18 to: (1) expand the scope of the ordinance to apply to any work performed in the City by City contractors; (2) expand the definition of contract to include sole source contracts and contracts, loans and grants awarded by the City in excess of $50,000; (2) include residential projects, ad defined herein, to be subject to first source hiring requirements; (4) expand the definition of "commercial activity," as defined herein; (5) increase the First Source Hiring Administration's reporting requirements to the Mayor and the Board of Supervisors regarding the progress of the first source hiring program; (6) delete the requirement that the Purchaser must determine the applicability of the First Source Hiring Ordinance to certain service contracts; (7) require developers to obtain a first source hiring agreement or an exemption before the Planning Commission may approve development projects or other City departments may issue permits subject to first source requirements; and (8) extend operative date to January 1, 2009.

Enacted Number: 250-04
FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules Committee

041172 **[Reenacting a Disadvantaged Business Enterprise Program]** Supervisors Ammiano, Ma, Dufty, Maxwell, Alioto-Pier

Emergency ordinance amending the San Francisco Administrative Code by adding Section 14A.03 to Chapter 14A to reenact a Disadvantaged Business Enterprise Program and suspend Chapter 12D.A, make applicable certain emergency contracting procedures, and provide for data collection to ensure nondiscrimination in City contracting; adopting declaration of emergency. (Clerk of the Board)

Enacted Number: 247-04

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Land Use Committee

040365 **[Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use and add notice and review procedures for changes of use to a formula retail use]** Supervisors Gonzalez, Peskin, Maxwell, Dufty, Sandoval, Daly

Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use, add notice and review procedures for changes of use to a formula retail use, to require that changes of use to bars, liquor stores, walkup facilities, other large institutions, other small institutions, restaurants, massage establishments, outdoor activities, or adult or other entertainment uses be subject to the notification and review procedures of Section 312, receive review for compliance with Neighborhood Commercial Design Guidelines and on-site noticing for 15 days, and to require that the Planning Department update and make available its list of neighborhood organizations with interests in specific properties or areas, and to provide that if a neighborhood organization

required to receive project notification is not sent notice the proposed project must be re-noticed.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendation of the City Services Committee

041095 **[County Refugee Plan]**
Resolution approving the Federal Fiscal Year 2004 San Francisco County Refugee Plan. (Private Industry Council)

Enacted Number: 615-04
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

041173 **[Funding from bond proceed sales of General Obligation and Lease Revenue bonds for improvement and construction of open space/ neighborhood park projects and to re-appropriate prior year**
Supervisors McGoldrick, Elsbernd, Gonzalez, Daly, Ammiano
Ordinance appropriating $68,800,000 of bond sale proceeds from General Obligation Bonds to fund the improvement and construction of parks and open space (as part of Proposition A) appropriating $27,005,000 of bond sales proceeds from Lease Revenue Bonds to fund at least 11 neighborhood park improvement projects and various additional projects; and re-appropriating $2,783,973 of prior year Open Space project funding to various active capital improvement projects in current fiscal year 2004-05 for a total amount of $98,588,973; and releasing $2,000,000 in reserve, funded through Revenue Bonds, for capital projects; and placing the amounts of $68,800,000, $27,005,000, $191,700 and $3,273,272 on reserve.

(Fiscal impact.)

Continued to October 19, 2004

Supervisor Elsbernd requested to be added as a co-sponsor.

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041246 **[Approval to Negotiate Prices for Construction Trade Packages for the Laguna Honda Hospital Replacement Program]** Supervisors Elsbernd, Ammiano

Ordinance authorizing the Department of Public Works to negotiate prices for trade packages for the construction of the Laguna Honda Hospital Replacement Program.

(Fiscal impact.)

Supervisor Ammiano requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041093 **[Transferring Unclaimed Trust Deposits from Parking Citations to the General Fund]**

Resolution accepting outstanding and unclaimed trust deposits from parking citations as revenue to be transferred to the General Fund. (Parking and Traffic Department)

Enacted Number: 614-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041184 **[Urging various City departments to investigate the costs, benefits, and technical issues associated with installing City-owned broadband facilities in conjunction with the City's planned** Supervisors Ammiano, Daly, Gonzalez, McGoldrick

Resolution urging the Department of Telecommunications and Information Services, the Public Utilities Commission, the Department of Public Works, and the Mayor's Office of Public Finance to evaluate the costs, benefits, and technical issues associated with installing broadband facilities when the City and County of San Francisco conducts its planned rebuild of its sewer system, to enable the City and County of San Francisco to increase the availability of bandwidth for telecommunications, cable, and information services.

Supervisor McGoldrick requested to be added as a co-sponsor.

Enacted Number: 617-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041153 **[Preferred Priority Projects funded with Neighborhood Historical Resources Preservation Bonds]** **Supervisor Peskin**

Resolution providing that the eleven historical resources described in the bond ordinance for the Neighborhood Historical Resources Preservation Bonds are considered for funding before any other qualified project is funded.

Enacted Number: 616-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041223 **[Acceptance of Donation of Real Estate]**

Resolution authorizing the acceptance by the City and County of San Francisco of the donation of two lots from Rosario F. Occhipinti, a married man, and the Rosario F. Occhipinti Separate Property Trust dated August 15, 1989, (collectively "Occhipinti"), at no cost to the City, for the development of a playground, adopting findings that the conveyance is categorically exempt from Environmental Review, is consistent with the City's Eight Priority Policies of City Planning Code Section 101.1 and is in conformity with the City's General Plan; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Fiscal impact.)

Enacted Number: 620-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Land Use Committee

041137 **[Zoning - Interim Moratorium on Demolition of Single-and Dual-screen Movie Theaters]** **Supervisors McGoldrick, Alioto-Pier**

Urgency Ordinance approving an interim zoning moratorium on demolition of single-and dual-screen movie theaters for 45 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Enacted Number: 248-04

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Ma

041186 **[Urging the PUC to fund a wave-generation power study at Ocean Beach]** Supervisor Gonzalez

Resolution urging the PUC to fund the Electricity Production Research Institute (EPRI) to complete a study on Ocean Beach necessary for planned implementation of wave-generated power in San Francisco.

Enacted Number: 618-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Rules Committee

Supervisor Sandoval Excused From Voting

Supervisor Daly, seconded by Supervisor Peskin, moved to excuse Supervisor Sandoval from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Excused: 1 - Sandoval

041219 **[Appointment - Golden Gate Bridge, Highway and Transportation District]**

Resolution appointing Supervisor Gerardo Sandoval as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District Board, term ending January 31, 2005.

Supervisor Gerardo Sandoval, succeeding Tony Hall, resigned, seat 7, must be member of the Board of Supervisors, for the unexpired portion of a two-year term ending January 31, 2005.

Enacted Number: 619-04

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma,

Maxwell, McGoldrick, Peskin
Excused: 1 - Sandoval

041215 **[Appointment - Planning Commission]**

Motion approving the Mayor's appointment of Dwight Alexander to the Planning Commission term ending July 1, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041216.) Transmittal date - August 24, 2004.

Continued October 19, 2004

Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell

041252 **[Confirming Philip Ginsburg as Human Resources Director]** **Mayor**

Motion confirming Philip Ginsburg as Human Resources Director.

Enacted Number: M04-108

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

From the Rules Committee Without Recommendation

041220 **[Appointment - Planning Commission]**

Motion approving the Mayor's appointment of Dr. Michael Antonini to the Planning Commission term ending July 1, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041221.) Transmittal date - August 24, 2004.

Continued to October 19, 2004

Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion

be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

President Gonzalez, seconded by Supervisor Daly, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Gonzalez, welcomed, introduced and presented a Certificate of Honor to Jason West, Mayor New Paltz, New York.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; general issues

Patrick Monette-Shaw; Laguna Honda rebuild

Edward Jackson; street artist fees

Lisa Wheeler; homeless issues

Male speaker; violence issues

Robert Pender; Park Merced Association; pass throughs to tenants

Tom O'Donoghue; hotel strike issues and Laguna Honda

Female speaker, Mission District resident; support of Item 26 regarding the SF Weekly article

Female speaker, Mission District resident; support of Item 26 regarding the SF Weekly article

Marilyn Ammini; Housing Element timing issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041371 **[San Francisco Night Ministries]** **Supervisors Ammiano, Dufty**

Resolution congratulating the San Francisco Night Ministry upon the occasion of its 40th anniversary and further the Night Ministry for its exemplary record of compassionate care and effective service to the citizens of the City and County of San Francisco.

Enacted Number: 621-04
ADOPTED

041373 **[Public hearing approval for issuance and sale of multifamily housing revenue bonds by CSCDA for Martin Luther Tower, L.P.]** **Supervisor Daly**

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $10,000,000 for the Project (as defined herein).

Enacted Number: 622-04
ADOPTED

041374 **[Commending Barbara Marino]** **Supervisors Maxwell, Dufty**

Resolution commending Barbara Marino for her years of contribution to the City and County of San Francisco.

Enacted Number: 623-04
ADOPTED

041375 **[Urging SFSU to continue its Russian Program]** **Supervisors McGoldrick, Dufty**

Resolution urging San Francisco State University to continue its Russian Program.

Enacted Number: 624-04
ADOPTED

041376 [Lead Poisoning Prevention Program] Supervisor Peskin

Resolution urging specified City departments to implement recommendations of the Department of Public Health set forth in the Director of Health's Report on the Comprehensive Environmental Lead Poisoning Prevention Program for The City and County of San Francisco dated December 2, 2003.

Enacted Number: 625-04
ADOPTED

041377 [Commending Nancy Bang] Supervisor Peskin

Resolution commending Nancy Bang on the occasion of her retirement.

Enacted Number: 613-04
ADOPTED

041378 [Commending Sparky's Diner] Supervisor Dufty

Resolution commending Sparky's Diner for winning a CORY, Commercial Recycler of the Year Award, for the third year in a row.

Enacted Number: 626-04
ADOPTED

041379 [Commemorative Plaque Designation - Haight Street Walk of Fame] Supervisor Gonzalez

Resolution designating the public right of way from Central Avenue to Stanyan Street along Haight Street as eligible for the installation and maintenance of commemorative plaques, pursuant to Public Works Code Sections 789.2(a). In order to honor the musicians, artists, writers and other individuals that have contributed to the musical, artistic, and cultural heritage of the Haight District and the greater San Francisco Bay Area, identifying this area as the "Haight Street Walk of Fame."

Enacted Number: 627-04
ADOPTED

041381 [Declaring October 2004 to be "Domestic Violence Awareness Month"] Supervisors Ma, Dufty

Resolution declaring October 2004 to be "Domestic Violence Awareness Month" in the City and County of San Francisco.

Enacted Number: 629-04
ADOPTED

041383 [Accept and Expend State Grant] Supervisors Ma, Dufty

Resolution authorizing the Executive Director of the Department of Parking and Traffic and the Director of the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling $630,000 for FY 2004-05 for various pedestrian and bicycle projects in the City and County of San Francisco.

Enacted Number: 630-04
ADOPTED

041382 [Supporting San Francisco Board of Supervisors/Clerk of the Board's Telecommute Pilot Project] Supervisors Ma, Gonzalez, Maxwell

Motion supporting the San Francisco Board of Supervisors/Clerk of the Board's Telecommute Pilot Project.

Enacted Number: M04-110
APPROVED

041349 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M04-109
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

Supervisor Gonzalez requested that this matter be referred to Committee.

041372 [San Francisco Weekly Article] Supervisors Ammiano,

Sandoval, Dufty

Resolution urging the publisher of the San Francisco Weekly to publicly respond to community concerns regarding caricatures of the Mission District residents depicted in Dan Siegler's piece entitled "Help Take Back The Mission District" published in the September 15, 2004 edition of the San Francisco Weekly.

REFERRED to the City Services Committee.

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

041380 **[James A. Johnston Month]** Supervisor Ma

Resolution declaring September 2004 as "James A. Johnston Month" in the City and County of San Francisco.

Amended by replacing "by declaring September 2004 as James Johnston Month" with "by declaring September 7, 2004 as James Johnston Day."

Supervisor McGoldrick, seconded by Supervisor Ma, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution declaring September 7, 2004 as "James A. Johnston Day" in the City and County of San Francisco.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041396 **[Proclaiming October 14, 2004 as Bindlestiff Studio Day in San Francisco]** Supervisor Daly

Resolution proclaiming October 14, 2004 as Bindlestiff Studio Day.

Enacted Number: 631-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

030667 [Domestic Partner and Family Protection Rent Ordinance] Supervisors Gonzalez, Daly, Peskin, Ammiano

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases in existing tenancies solely for the addition of a tenant's child, parent, grandchild, grandparent, brother or sister, or the spouse or domestic partner (as defined in Administrative Code Sections 62.1 through 62.8) of such relatives, or for the addition of the spouse or domestic partner of a tenant, even where a pre-existing rental agreement or lease specifically permits a rent increase for additional occupants, except that the landlord may petition the Rent Board for a rent increase under Section 37.8(e)(4) based on the increased cost for such an additional occupant [Section 37.3(a)(11)]; and, to prohibit evictions from rent-controlled units based solely on the addition of such occupant(s), where the landlord has unreasonably refused the tenant's written request to add such occupant(s), even where a pre-existing rental agreement or lease prohibits additional occupants, unless the total number of occupants exceeds two persons per studio rental unit, three per one-bedroom unit, four per two-bedroom unit, six per three-bedroom unit or eight per four-bedroom unit, or unless this total would exceed the number of occupants permitted under state law and/or other local codes (e.g., Planning, Housing, Fire and Building Codes) [Section 37.9(a)(2)]; and expressing the intent of the Board of Supervisors that the Rent Board Rules and Regulations regarding subletting consent procedures be substantially applied to this legislation.

4/14/03, RECEIVED AND ASSIGNED to Land Use Committee.

9/23/03, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

9/23/03, ASSIGNED to Land Use Committee.

8/17/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

8/17/04, ASSIGNED to Land Use Committee.

10/5/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

10/5/04, ASSIGNED to Land Use Committee.

041392 [City Hiring Freeze] Supervisor Elsbernd

Ordinance prohibiting the City from filling vacant positions funded by the General Fund except where the Mayor determines that certain exceptions apply, and setting an expiration date of November 30, 2004.

10/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041395 [Notification in the Voter Information Pamphlet of a candidate's adoption of voluntary expenditure ceiling] Supervisor Gonzalez

Ordinance amending section 1.128 of the San Francisco Campaign and

Governmental Conduct Code to specify the size and content of the notice in the Voter Information Pamphlet regarding whether a candidate has adopted the applicable voluntary expenditure ceiling.

10/5/04, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

041372 **[San Francisco Weekly Article]** Supervisors Ammiano, Sandoval, Dufty

Resolution urging the publisher of the San Francisco Weekly to publicly respond to community concerns regarding caricatures of the Mission District residents depicted in Dan Siegler's piece entitled "Help Take Back The Mission District" published in the September 15, 2004 edition of the San Francisco Weekly.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/5/04, REFERRED to City Services Committee.

041391 **[Approving plan for universal access to preschool]** Supervisor Ammiano

Resolution approving the interim plan of the San Francisco Children and Families First Commission for providing all four-year-old children in San Francisco the opportunity to attend preschool by September 2009.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041393 **[Showplace Square Interim Controls]** Supervisor Maxwell

Resolution imposing for twelve months interim zoning controls on specific lots within Showplace Square generally bounded by 7th, Bryant, Potrero and 25th Streets and within the area identified as Production Cluster on the accompanying map that would (a) consider production, distribution and repair (PDR) a principal use if PDR activities occupy 50 percent or more of the total occupied space of the property, (b) permit office, retail and housing uses subject to certain conditions, and (c) permit displacement of PDR space or demolition of an industrial building only if it is demonstrated that the building is unsound or if the new building increases the amount of PDR space; imposing the same controls as nonbinding policies on specific lots within the Showplace Square area that are identified as Design Cluster on the accompanying map, except that design PDR are strongly encouraged and the displacement of PDR space and demolition of an industrial building are particularly discouraged in the case of an historical brick building; Adopting Findings.

10/5/04, RECEIVED AND ASSIGNED to Land Use Committee. 10/13/04 - Supervisor Ammiano requested that his name be deleted as a co-sponsor.

041394 **[Urging the Department of Environment to** Supervisors Gonzalez,

develop plans for a renewable hydrogen fueling station alongside other alternative fuels] — Ammiano, McGoldrick

Resolution urging the Department of the Environment to develop plans for a renewable hydrogen fueling station, alongside other possible fuels, for the implementation of a complete alternative fueling station in San Francisco and to report back to the Board within 6 months.

10/5/04, RECEIVED AND ASSIGNED to Land Use Committee.

041396 [Proclaiming October 14, 2004 as Bindlestiff Studio Day in San Francisco] — Supervisor Daly

Resolution proclaiming October 14, 2004 as Bindlestiff Studio Day.

10/5/04, ADOPTED.

041405 [Binational Health Week] — Supervisor Ammiano

Resolution declaring October 11 to 18, 2004 as Binational Health Week and urges the people of San Francisco County to join the people of Mexico and all Californians of Mexican origin in observing and participating Binational Health Week.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041406 [Family Economic Self Sufficiency] — Supervisors Ammiano, Daly

Resolution adopting "Family Economic Self Sufficiency" as a goal toward which the City and County will strive to achieve and will make concerted efforts to move families out of poverty towards economic self-sufficiency through legislation initiative, budgetary planning decisions and executive policy directives.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041407 [Supporting the Emergency Medical Care Initiative] — Supervisors Ammiano, Maxwell, McGoldrick, Dufty, Alioto-Pier, Daly

Resolution supporting the passage of Proposition 67, the Emergency Medical Care Initiative on the 2004 November ballot.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041408 [Rejecting the issuance of a conditional waiver to San Francisco Cycling, LLC] — Supervisor Daly

Resolution rejecting the conditional waiver for the cost of police services provided to San Francisco Cycling, LLC for the 2004 T-Mobile International Bike Race and for the upcoming 2005, 2006 and 2007 T-Mobile International Bike Race.

(Fiscal impact.)

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041409 **[Honoring the Jewish Community Relations Council]** Supervisors Dufty, Peskin, Ma, Alioto-Pier

Resolution honoring the Jewish Community Relations Council.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041410 **[Commending Debra Lehane]** Supervisor Dufty

Resolution commending Debra Lehane on the occasion of her retirement.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041411 **[Supporting applications for the State funding of the Museum of the African Diaspora]** Supervisors Dufty, Maxwell, Ma, Alioto-Pier, Elsbernd, Daly

Resolution urging support for the Museum of the African Diaspora by the California Cultural and Historical Endowment.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041412 **[Commending the Golden Gate Business Association]** Supervisors Dufty, Ammiano

Resolution commending the Golden Gate Business Association, on the occasion of their 30th anniversary.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041413 **[Recognizing October 26, 2004 as the first annual Intersex Awareness Day]** Supervisors Dufty, Ammiano, Daly

Resolution recognizing October 26, 2004 as the first annual Intersex Awareness Day.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041414 **[Supporting the California Cultural and Historical Endowment grant applications of the Recreation and Park Department]** Supervisors Elsbernd, Dufty

Resolution supporting the California Cultural and Historical Endowment grant applications to the California State Library Department in order to provide for funding for Sunnyside Conservatory Renovation, Harvey Milk Performing Arts Center, 24th and York Mini Park.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041415 [Commending Shirley Wysinger] Supervisor Gonzalez

Resolution expressing appreciation to Shirley R. Wysinger for 30 years of dedicated public service on the occasion of her retirement from the Redevelopment Agency of the City and County of San Francisco.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041416 [Angel Island Immigration Station Restoration and Preservation Act] Supervisors Ma, Maxwell, Dufty, Alioto-Pier, Daly

Resolution urging the San Francisco Congressional delegation to support the Angel Island Immigration Station Restoration and Preservation Act.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041417 [Breast Cancer Awareness Month] Supervisors Ma, Maxwell, Alioto-Pier, Dufty

Resolution declaring October 2004 to be "Breast Cancer Awareness Month" in the City and County of San Francisco.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041418 [San Francisco African American Historical & Cultural Society] Supervisors Maxwell, Dufty

Resolution recognizing and commending the San Francisco African American Historical & Cultural Society for their dedication and commitment to contributing to the development and growth of San Francisco's African American community.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041419 [Honoring Raoul Wallenberg] Supervisors Peskin, Dufty, Elsbernd, Gonzalez, Daly, Ma

Resolution proclaiming Raoul Wallenberg to be an honorary citizen of the City and County of San Francisco.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041420 [Fair Labor Contract] Supervisors Peskin, Sandoval, McGoldrick,

Gonzalez, Maxwell, Daly, Ammiano, Alioto-Pier, Ma, Elsbernd, Dufty

Resolution urging residential building employers to negotiate a fair contract that enables residential workers to meet the rising cost of living and maintains their access to affordable health care for themselves and their families.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041421 **[Supporting Bringing America Home Act (H.R. 2897)]** Supervisors Peskin, Daly

Resolution supporting the Bringing America Home Act (H.R. 2897), currently pending in the 108th Congress, and urging its passage by the United States Congress.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041422 **[Commending Deputy City Attorney David Fernando Campos Miyares]** Supervisor Peskin

Resolution commending David Fernando Campos Miyares for more than five years of exemplary public service to San Francisco as a Deputy City Attorney on the Litigation Team, the Government Team and the Energy and Telecommunications Team of the City Attorney's Office, and wishing him well in his future endeavors as General Counsel for the San Francisco Unified School District.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041423 **[Gift Acceptance]** Mayor

Resolution accepting a gift in the amount of $25,000 from breretonArchitects, Inc. and authorizing its expenditure to develop supportive housing for seniors.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041397 **[City's Standards and Policies Regarding Lighting for Pedestrian Areas]** Supervisor Ma

Hearing to discuss the City's standards and policies regarding lighting for pedestrian areas. The purpose of the hearing is to understand: (1) Which City agencies are currently responsible for setting standards, designing, installing, and maintaining pedestrian lighting; (2) What are the City's current standards for pedestrian lighting; (3) What progress has been made

in developing the citywide street lighting plan and the street lighting standards for different types of streets that are called for in the general plan; (4) What are the current best practices among U.S. and world cities regarding street lighting, and how do these standards, practices and policies differ from San Francisco's; and, (5) What City policies exist about the integration of street lighting upgrades into major transportation projects.

10/5/04, RECEIVED AND ASSIGNED to Land Use Committee.

041398 **[Department of Public Health's Response to Bayview Health Crisis]** Supervisor Maxwell

Hearing on the Department of Public Health's response to the health crisis in the City's Bayview Hunters Point neighborhood.

10/5/04, RECEIVED AND ASSIGNED to City Services Committee.

041399 **[City's Street Resurfacing Plan]** Supervisors Ma, Maxwell

Hearing to discuss the status of the City's Street Resurfacing Plan.

10/5/04, RECEIVED AND ASSIGNED to Land Use Committee.

041400 **[Coordinated Efforts to Make McLaren Park Cleaner and Safer]** Supervisor Sandoval

Hearing to receive report on coordinated efforts by the San Francisco Police Department, the Recreation and Park Department, Department of Public Works, and other City departments on efforts to make McLaren Park cleaner and safer.

10/5/04, RECEIVED AND ASSIGNED to City Services Committee. Send copy of this inquiry to four affected departments.

041401 **[Laguna Honda Patients]** Supervisor Elsbernd

Follow up hearing on an updated presentation from the Department of Public Health on the current practice of moving psychiatric patients from San Francisco General Hospital to Laguna Honda Hospital.

10/5/04, RECEIVED AND ASSIGNED to City Services Committee.

041402 **[Access to Shelter Beds and Shelter Vacancy Rates]** Supervisor Daly

Hearing on the fiscal impact of running shelters that have an increasing number of vacancies due to the displacement of vulnerable homeless population because of the reserving of beds for homeless people with the County Adult Assistance Program benefits package.

10/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Motions

041390 **[Needle Exchange Emergency]** Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

10/5/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041403 **[Legislative Analyst Request - Public Defibrillators and Public Siting]** Supervisor Daly

Motion requesting an examination of the City's current policy on siting defibrillators in public buildings and an analysis of what other cities have done on this topic.

10/5/04, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 19, 2004.

041404 **[Legislative Analyst Request - Limited Equity Conversion (File No. 032031)]** Supervisor Daly

Motion requesting the Legislative Analyst to analyze the impact of the entire legislation on the City's rental housing stock, vacancy rate, and low and high income renters. The Legislative Analyst is requested to have the report ready by November 10, 2004.

10/5/04, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 19, 2004.

PROPOSED ORDINANCES

041334 **[Extending the annual condominium conversion limitation]**

Ordinance amending the San Francisco Subdivision Code section 1396 to extend the annual condominium conversion limitation for two additional years until December 31, 2006, and making environmental findings. (Public Works Department)

9/21/04, RECEIVED AND ASSIGNED to Land Use Committee.

041335 **[Designation of County Surveyor]** Supervisor Ma

Ordinance amending Administrative Code Section 2A.190 and Subdivision Code Section 1307 to designate and distinguish the official titles and duties of City Engineer and County Surveyor and amending Subdivision Code Sections 1310, 1311, 1320, 1324 through 1329, 1340, 1355, 1360 through 1364, and 1397 to reassign responsibilities from the City Engineer to the County Surveyor. (Public Works Department)

9/21/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/4/2004. 10/8/04 - Supervisor Ma requested to be added as sponsor.

041336 **[Police alarm ordinance; technical changes to billing and remittance requirements for alarm companies; limiting license fee increases to $5 increments]** **Supervisor Ma**

Ordinance amending the San Francisco Police Code, by amending Sections 3710.1, 3710.2, 3710.4, and 3720, to: require that alarm companies remit fees collected from customers in a single monthly check; move the billing date for license fees, beginning in 2005, from December 1 to November 1; clarify that the billing and remittance requirements of the Article only apply to those alarm monitoring companies having a direct contractual relationship with the alarm user; clarify that alarm companies shall only be held responsible for the unpaid license fees of their customers where the company has failed to take reasonable steps to collect the fees, and provide a minimum threshold of what constitutes "reasonable steps"; and, limit license fee increases to five-dollar increments. (Emergency Communications Department)

9/23/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 11/5/2004.

041340 **[Settlement of Lawsuits - Kevin B. Williams]**

Ordinance authorizing settlement of the following lawsuits filed by Kevin B. Williams against the City and County of San Francisco: (1) lawsuit filed on or about December 2000 in United States District Court for the Northern District of California, Case No. C00-4728 SI, entitled Kevin Williams v. City and County of San Francisco, et al.; (2) lawsuit filed on or about December 2003 in San Francisco Superior Court, Case No. 503990, entitled Kevin Williams v. City and County of San Francisco; (3) lawsuit filed on or about September 2002 in San Francisco Superior Court, Case No. 411914; entitled Kevin Williams, on behalf of the City and County of San Francisco and himself v. Tutor Saliba, Inc., et al.; material terms of the settlement are that plaintiff dismisses all lawsuits with prejudice, that plaintiff resigns from City employment and forgoes future City employment, that City pays to plaintiff the amount of $120,000, of which approximately $71,243.68 is intended to make up a retirement account shortfall, and that Federal Magistrate Judge is to decide amount of attorneys' fees and costs, based on motion by plaintiff's attorneys, in an amount not to exceed $280,000. (City Attorney)

9/27/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041337 **[Accept-Expend Federal/State Pass Through Grant]** **Supervisor Dufty**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $4,257 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for

reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

9/27/04, RECEIVED AND ASSIGNED to City Services Committee.

10/4/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

041341 **[Accept-Expend Federal Grant]** Supervisor Elsbernd

Resolution authorizing the Department of Child Support Services to accept and expend a grant in the amount of $200,000 from the U.S. Department of Health and Human Services Office of Child Support Enforcement for the Enhanced Parent Involvement Collaboration. (Child Support Services)

9/27/04, RECEIVED AND ASSIGNED to City Services Committee.

10/4/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

Requests Granted

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: To draft legislation creating a "Parking Benefits District" which would earmark revenue collected from 150 new meters to be added along the Geary corridor to be used for improved services and amenities for that neighborhood.

From: Supervisor Elsbernd

To: Police Commissioner Peter Keane

Requesting/Inquiring:

1. Could you please clarify your comments about the Thurgood Marshall incident? What did you say exactly? What did you intend to say?

2. What role do you believe a Commissioner should play in producing a respectful dialogue between the Police Department and the community?

3. What specific plans do you have for the remainder of your term to improve this dialogue?

From: Supervisor Ma

To: Recreation and Park Department

Requesting/Inquiring: To explore the possibility of acquiring open space in Supervisoral District 4.

From: Supervisor Sandoval

To: Department of Telecommunications and Information Services

Requesting/Inquiring: Inquiring about the feasibility of installing emergency call boxes on Mansell Road in McLaren Park.

Also requesting the Clerk of the Board of Supervisors to send a copy of this inquiry to:

Lewis Loeven

Director

Department of Telecommunications and Information Services

875 Stevenson Street, 5th Floor

San Francisco, CA 94103-0948

Jack Donohoe

Department of Telecommunications and Information Services

875 Stevenson Street, 5th Floor

San Francisco, CA 94103-0948

Yomi Agunbiade

Acting General Manager

Recreation and Park Department

McLaren Lodge

501 Stanyan Street

San Francisco, CA 94117

Captain Paul Chignell

San Francisco Police Department

Ingleside Station

1 Sgt. John Young Lane

San Francisco, CA 94124

From: Supervisor

In Memoriams

Maxina Nicole Danner (Supervisor Dufty)

Robert A. Kenealey (Supervisor Dufty)

ADJOURNMENT

There being no further business, the Board at the hour of 3:50 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 2, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee. Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber. Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm. THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Disability access

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

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Board of Supervisors

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MEETING MINUTES

Tuesday, October 19, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake*

McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Daly, moved to approve September 21, 2004 and September 28, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

041098 [Accept-Expend Federal Grant] **Supervisors Ma, Dufty**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $339,964 from the United States Department of Justice, Violence Against Women Office for Safe Havens. (Department of Children, Youth & Their Families)

Enacted Number: 632-04

ADOPTED

041337 **[Accept-Expend Federal/State Pass Through Grant]** Supervisor Dufty

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $4,257 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

Enacted Number: 635-04
ADOPTED

041236 **[Liquor License, 580 Sutter Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from One Sansome Street to 580 Sutter Street (District 6) to Clint Worden for Plan B. Bar Inc. will serve the convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 633-04
ADOPTED

Recommendation of the Finance and Audits Committee

041246 **[Approval to Negotiate Prices for Construction Trade Packages for the Laguna Honda Hospital Replacement Program]** Supervisors Elsbernd, Ammiano

Ordinance authorizing the Department of Public Works to negotiate prices for trade packages for the construction of the Laguna Honda Hospital Replacement Program.

(Fiscal impact.)

Enacted Number: 252-04
FINALLY PASSED

Recommendation of the Land Use Committee

040365 **[Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use and add notice and review procedures for changes of use to a formula retail use]** **Supervisors Gonzalez, Peskin, Maxwell, Dufty, Sandoval, Daly**

Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use, add notice and review procedures for changes of use to a formula retail use, to require that changes of use to bars, liquor stores, walkup facilities, other large institutions, other small institutions, restaurants, massage establishments, outdoor activities, or adult or other entertainment uses be subject to the notification and review procedures of Section 312, receive review for compliance with Neighborhood Commercial Design Guidelines and on-site noticing for 15 days, and to require that the Planning Department update and make available its list of neighborhood organizations with interests in specific properties or areas, and to provide that if a neighborhood organization required to receive project notification is not sent notice the proposed project must be re-noticed.

Enacted Number: 258-04

FINALLY PASSED

Recommendations of the Rules Committee

041191 **[Settlement of Claim - CCSF v. WCB More II Limited Partnership, et al.]**

Ordinance authorizing settlement of relocation benefits claim of California Bank & Trust Company by the payment of $340,000, arising from litigation entitled City and County of San Francisco v. WCB More II Limited Partnership, et al., filed on September 10, 1998 as San Francisco Superior Court Case No. 997-764. (City Attorney)

Enacted Number: 253-04

FINALLY PASSED

041206 **[Settlement of Lawsuit - Yvette Castillo]**

Ordinance authorizing settlement of the lawsuit filed by Yvette Castillo against San Francisco General Hospital and the City and County of San

Francisco for $96,400; the lawsuit was filed on April 30, 2003 in San Francisco Superior Court, Case No. 416346 entitled Yvette Castillo v. San Francisco General Hospital, City and County of San Francisco. (City Attorney)

Enacted Number: 254-04
FINALLY PASSED

041207 [Settlement of Lawsuit - Leanna Mossi, et al.]

Ordinance authorizing settlement of the lawsuit filed by Leanna Mossi against the City and County of San Francisco for $97,500; the lawsuit was filed on November 21, 2002 in San Francisco Superior Court, Case No. 414-929; entitled Leanna Mossi, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 255-04
FINALLY PASSED

041282 [Settlement of Unlitigated Claim - National Airlines] Mayor

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission (the "Airport"), against National Airlines ("National") by approving a Settlement Agreement pursuant to which National will pay to the Airport $12,374.23.

PASSED, ON FIRST READING

041342 [Settlement of Lawsuit - Apartment Investment and Management Company, aka AIMCO, et al.] Supervisor Daly

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against AIMCO and seven of its corporate affiliates, filed on January 30, 2002 in San Francisco Superior Court, Case No. GCG 02-404-010, entitled City and County of San Francisco, et al., v. Apartment Investment and Management Company, aka AIMCO, et al., relating to code violations at four apartment buildings in Bayview/Hunters Point, and a cross-complaint against the City and certain individual employees filed on January 28, 2003; the settlement provides for payment to the City of a total of $3,000,000 plus an additional contingent payment of $500,000; $1,000,000 of the $3,000,000 payment from AIMCO will be dedicated to improving public safety in the area through helping establish a new Hunters Point/Bayview S.F. Boys and Girls Club with an associated Police Department Office; the settlement also provides that AIMCO has abated or will abate all notices of violation issued by the Department of Building Inspection that were the subject of the lawsuit; and approving satisfaction of DBI fees for AIMCO's proposed renovation of the Properties, through AIMCO's payment of settlement funds to the City. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance and Audits Committee

041173 [Funding from bond proceed sales of General Obligation and Lease Revenue bonds for improvement and construction of open space/ neighborhood park projects and to re-appropriate prior year

Supervisors McGoldrick, Elsbernd, Gonzalez, Daly, Ammiano

Ordinance appropriating $68,800,000 of bond sale proceeds from General Obligation Bonds to fund the improvement and construction of parks and open space (as part of Proposition A) appropriating $27,005,000 of bond sales proceeds from Lease Revenue Bonds to fund at least 11 neighborhood park improvement projects and various additional projects; and re-appropriating $2,783,973 of prior year Open Space project funding to various active capital improvement projects in current fiscal year 2004-05 for a total amount of $98,588,973; and releasing $2,000,000 in reserve, funded through Revenue Bonds, for capital projects; and placing the amounts of $68,800,000, $27,005,000, $191,700 and $3,273,272 on reserve.

(Fiscal impact.)

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisors Gonzalez and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Rules Committee

041215 [Appointment - Planning Commission]

Motion approving the Mayor's appointment of Dwight Alexander to the Planning Commission term ending July 1, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041216.) Transmittal date - August 24, 2004.

Enacted Number: M04-112

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

From the Rules Committee Without Recommendation

041220 [Appointment - Planning Commission]

Motion approving the Mayor's appointment of Dr. Michael Antonini to the Planning Commission term ending July 1, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041221.) Transmittal date - August 24, 2004.

Enacted Number: M04-113

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick,

Peskin, Sandoval
Noes: 2 - Ammiano, Daly

NEW BUSINESS

Recommendations of the City Services Committee

031932 **[Restricting the sale or transfer of 50 caliber firearms and ammunition, requiring reporting of firearm thefts, and deleting obsolete provisions regulating firearms]** — **Supervisors Gonzalez, Dufty, Daly**

Ordinance amending the Police Code by deleting Sections 552, 556 and 557, relating to possession of firearms by minors and possession of facsimile firearms in order to conform to state law, amending Section 602 to delete redundant provisions and provisions relating to air guns in order to conform to state law; amending Sections 613.1, 613.10 and 613.10-1 to delete requirements relating to "Saturday Night Specials," restrictions on the sale of large capacity magazines and various other requirements relating to firearms dealers in order to conform to state law and add new requirements in Section 613.10-1 to restrict the sale or transfer of 50 caliber firearms and ammunition; amending Sections 613.2 and 613.3 to require the Chief of Police to conduct a background check on applicants for a firearms dealer license and such applicants' employees; amending Sections 613, 613.10-3, 613.12, 613.16, 613.19, 617 and 618 to make technical and conforming corrections; amending Section 613.10-2, restricting the sale of ultracompact firearms to update findings and exceptions to restrictions on sales, deleting Sections 614 through 616, relating to reporting of firearms sales by dealers in order to conform to state law, renumbering existing Sections 617 and 618 as Sections 614 and 615; and adding a new Section 616, requiring owners of firearms to report the loss or theft of a firearm to the Police Department.

Supervisor Daly requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041148 **[Dance and Place of Entertainment Permits-security requirements, increased penalty for violation]** — **Supervisors Maxwell, Dufty, Alioto-Pier, Ma, Gonzalez, Daly, Ammiano**

Ordinance amending San Francisco Police Code Sec. 1022 to define "security plan"; amending Police Code Sec. 1023 to require applicants for dance permits to have a security plan, and to require owners or managers of places that are rented to persons planning to use the facility for a dance to inform such persons that a permit is required for such activity; amending Police Code Sec. 1027 to make the violation of Secs. 1023 through 1026 an

infraction or a misdemeanor, to increase the maximum penalty for violation thereof to $1000, and subject to revocation of the permit; amending Police Code Sec. 1060 to define "security plan"; amending Police Code Sec. 1060.5 to revise determination of application criteria to require a security plan; amending Police Code Sec. 1060.25 to increase the maximum penalty for violation of Article 15.1 to an infraction or a misdemeanor, to increase the maximum penalty for violation thereof to $1000, and subject to revocation of the permit; adding Police Code Sec. 1060.29 to require one night event permits for one night events; and amending Police Code Sec. 2.26 to include one night events under the schedule of permits and filing fees.

Amended on page 7, line 15, by replacing "Chief of Police" with the "Entertainment Commission".

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisors Gonzalez and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041150 **[Revising graffiti clean-up requirements for property owners and revising enforcement and abatement procedures where property owners fail to remove graffiti]** Supervisors Elsbernd, Dufty, Ma, Alioto-Pier, McGoldrick, Gonzalez

Ordinance amending Article 23 of the San Francisco Public Works Code by (1) amending Sections 1301 through 1304, deleting existing Section 1305, amending and retaining part of existing Section 1306 as renumbered Section 1305, and amending and placing part of existing Section 1306 in new Section 1306, to require that property owners either remove graffiti from their property or request a hearing within 30 days of receiving a notice of violation, clarify and streamline review procedures for graffiti violations, and authorize special assessments to recover graffiti removal costs; and (2) making technical corrections to Sections 1307 and 1308.

Supervisors McGoldrick and Gonzalez requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041178 **[Declaring blighted vacant lots to be a nuisance and authorizing DPW to abate such nuisances at the owners' expense following notice and opportunity for hearing]** Supervisors Elsbernd, Dufty, Ma, McGoldrick, Gonzalez

Ordinance amending Article 15 of the Public Works Code by adding Sections 735 through 735.4 to declare blighted vacant lots a public nuisance, require

owners to abate such nuisances and authorize DPW to abate such nuisances at the owners' expense following written notice from DPW and the opportunity for a hearing.

Supervisors McGoldrick and Gonzalez requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

041245 **[To substitute funds in General Fund for parking tax revenue currently appropriated to programs for Senior Citizens]** **Mayor, Supervisors Ma, Dufty, Elsbernd, Ammiano, Alioto-Pier, Peskin, Maxwell**

Ordinance substituting $10,710,000 of parking tax revenue currently appropriated to programs for senior citizens with $10,710,000 of General Fund for fiscal year 2004-05, as part of the September 9, 2004 state Court of Appeals ruling in the case City & County of San Francisco vs. Flying Dutchman Park, Inc.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041309 **[Public Employment - DPH, OES, Fire, Police, Sheriff, and Port]** **Supervisor Ma**

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) to reflect the creation of forty-two positions and the deletion of six positions in the following departments: Public Health, Office of Emergency Services, Fire, Police, Sheriff, and Port.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041313 **[Payment of Reward - Jane Doe]** **Mayor**

Ordinance authorizing payment of a $12,500.00 reward to Jane Doe for supplying information leading to the arrest and conviction of the perpetrators who murdered Shayne Worcester.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma,

Maxwell, McGoldrick, Peskin, Sandoval

041314 **[Payment of Reward to three John Does]** Mayor

Ordinance authorizing payment of a $10,000.00 reward to be split amongst three John Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Parrish Wingard.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041319 **[Sewer Service Utility Contract]** Supervisor Alioto-Pier

Resolution authorizing the San Francisco Public Utilities Commission General Manager to execute the First Amendment to the Sewer Service Utility Contract (No. 1443CX061094018) with The Presidio Trust for the purpose of extending the existing contract term by six (6) months through March 30, 2005.

(Fiscal impact.)

Enacted Number: 634-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Rules Committee

040988 **[Prohibiting contractors from disclosing private information about individuals obtained from the City and County without written approval or authorization by law]** Supervisors McGoldrick, Peskin, Maxwell, Ammiano, Gonzalez, Alioto-Pier, Elsbernd, Daly

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12M to prohibit contractors from disclosing to any person or entity private information about individuals obtained from the City and County in the performance of the contract unless the contract authorizes the disclosure, the contractor first obtains the written approval of the contracting department, or the disclosure is authorized or required by law.

Supervisor Elsbernd requested to added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040989 **[Granting a bid preference of twenty percent to each contractor who will perform all services to** Supervisors McGoldrick, Alioto-Pier, Daly,

be required by a contract in the United States of America] Ammiano

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12I to grant a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to rescind the previous vote.

Motion to rescind the previous vote carried without objection.

Continued to November 2, 2004

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041213 **[Appointment - Board of Appeals]**

Motion approving the Mayor's appointment of Frank Fung to the Board of Appeals for the term ending July 1, 2008. (Mayor)

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 041214.) Transmittal date - August 24, 2004.

Enacted Number: M04-111

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Alioto-Pier welcomed, introduced and presented a Commendation to a representative of the Whirlwind Wheelchair International. (WWI)

SPECIAL ORDER 4:00 P.M.

041275 **[Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

Continued to November 16 ,2004

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written

correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041276 **[Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 16, 2004

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041277 **[Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 16, 2004

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041278 **[Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 16, 2004

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; homeless issues

Bruce Ellison; sanctuary shelter closings

Steve Shapiro; Yes on Prop 67

Dr. Mark Snyder, St. Luke's Hospital; Yes on Prop 67

Dick Hops, Health Consortiums; Yes on Prop 67

Ted Green, SF General Hospital; Yes on Prop 67

Representative for No on Prop 68; request for a resolution opposing Prop. 68

Carl Score; Yes on Prop 67

Jennifer Freidenbach; homeless issues and shelter closing

Male Speaker; homeless issues

Female Speaker; zoo elephant issues

Tom Donohue; Local 2 issues

Male Speaker; homeless seniors

Dr. Ellington Katz; homeless issues and zoo elephants issues

George Scott; homeless issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

041403 **[Legislative Analyst Request - Public Defibrillators and Public Siting]** Supervisor Daly

Motion requesting an examination of the City's current policy on siting defibrillators in public buildings and an analysis of what other cities have done on this topic.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041404 **[Legislative Analyst Request - Limited Equity Conversion (File No. 032031)]** **Supervisor Daly**

Motion requesting the Legislative Analyst to analyze the impact of the entire legislation on the City's rental housing stock, vacancy rate, and low and high income renters. The Legislative Analyst is requested to have the report ready by November 10, 2004.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041405 **[Binational Health Week]** **Supervisor Ammiano**

Resolution declaring October 11 to 18, 2004 as Binational Health Week and urges the people of San Francisco County to join the people of Mexico and all Californians of Mexican origin in observing and participating Binational Health Week.

Enacted Number: 636-04

ADOPTED

041409 **[Honoring the Jewish Community Relations Council]** **Supervisors Dufty, Peskin, Ma, Alioto-Pier**

Resolution honoring the Jewish Community Relations Council.

Enacted Number: 637-04

ADOPTED

041410 **[Commending Debra Lehane]** **Supervisor Dufty**

Resolution commending Debra Lehane on the occasion of her retirement.

Enacted Number: 638-04
ADOPTED

041411 [Supporting applications for the State funding of the Museum of the African Diaspora] Supervisors Dufty, Maxwell, Ma, Alioto-Pier, Elsbernd, Daly

Resolution urging support for the Museum of the African Diaspora by the California Cultural and Historical Endowment.

Supervisors Elsbernd and Daly requested to be added as co-sponsors.

Enacted Number: 639-04
ADOPTED

041412 [Commending the Golden Gate Business Association] Supervisors Dufty, Ammiano

Resolution commending the Golden Gate Business Association, on the occasion of their 30th anniversary.

Enacted Number: 640-04
ADOPTED

041413 [Recognizing October 26, 2004 as the first annual Intersex Awareness Day] Supervisors Dufty, Ammiano, Daly

Resolution recognizing October 26, 2004 as the first annual Intersex Awareness Day.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 646-04
ADOPTED

041414 [Supporting the California Cultural and Historical Endowment grant applications of the Recreation and Park Department] Supervisors Elsbernd, Dufty

Resolution supporting the California Cultural and Historical Endowment grant applications to the California State Library Department in order to provide for funding for Sunnyside Conservatory Renovation, Harvey Milk Performing Arts Center, 24th and York Mini Park.

Enacted Number: 641-04
ADOPTED

041415 [Commending Shirley Wysinger] Supervisor Gonzalez

Resolution expressing appreciation to Shirley R. Wysinger for 30 years of dedicated public service on the occasion of her retirement from the Redevelopment Agency of the City and County of San Francisco.

Enacted Number: 642-04
ADOPTED

041416 [Angel Island Immigration Station Restoration and Preservation Act] Supervisors Ma, Maxwell, Dufty, Alioto-Pier, Daly

Resolution urging the San Francisco Congressional delegation to support the Angel Island Immigration Station Restoration and Preservation Act.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 647-04
ADOPTED

041417 [Breast Cancer Awareness Month] Supervisors Ma, Maxwell, Alioto-Pier, Dufty

Resolution declaring October 2004 to be "Breast Cancer Awareness Month" in the City and County of San Francisco.

Enacted Number: 643-04
ADOPTED

041418 [San Francisco African American Historical & Cultural Society] Supervisors Maxwell, Dufty

Resolution recognizing and commending the San Francisco African American Historical & Cultural Society for their dedication and commitment to contributing to the development and growth of San Francisco's African American community.

Supervisor Dufty requested to be added as a co-sponsor.

Enacted Number: 644-04
ADOPTED

041420 [Fair Labor Contract] Supervisors Peskin, Sandoval, McGoldrick, Gonzalez, Maxwell, Daly, Ammiano, Alioto-Pier, Ma, Elsbernd, Dufty

Resolution urging residential building employers to negotiate a fair contract that enables residential workers to meet the rising cost of living and maintains their access to affordable health care for themselves and their families.

Enacted Number: 648-04
ADOPTED

041422 [Commending Deputy City Attorney David Fernando Campos Miyares] Supervisor Peskin

Resolution commending David Fernando Campos Miyares for more than five years of exemplary public service to San Francisco as a Deputy City Attorney on the Litigation Team, the Government Team and the Energy and Telecommunications Team of the City Attorney's Office, and wishing him well in his future endeavors as General Counsel for the San Francisco Unified School District.

Enacted Number: 645-04
ADOPTED

041423 [Gift Acceptance] Mayor

Resolution accepting a gift in the amount of $25,000 from breretonArchitects, Inc. and authorizing its expenditure to develop supportive housing for seniors.

Enacted Number: 649-04
ADOPTED

041390 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M04-114
APPROVED

041436 [Emergency Declaration Concurrence]

Emergency Declaration Concurrence
Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency. (Mayor)

Enacted Number: M04-115
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

041406 [Family Economic Self Sufficiency] Supervisors Ammiano, Daly

Resolution adopting "Family Economic Self Sufficiency" as a goal toward which the City and County will strive to achieve and will make concerted efforts to move families out of poverty towards economic self-sufficiency through legislation initiative, budgetary planning decisions and executive policy directives.

Continued to October 26, 2004

Supervisor Daly requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

041407 [Supporting the Emergency Medical Care Initiative] Supervisors Ammiano, Maxwell, McGoldrick, Dufty, Alioto-Pier, Daly

Resolution supporting the passage of Proposition 67, the Emergency Medical Care Initiative on the 2004 November ballot.

Continued to October 26, 2004

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

041408 **[Rejecting the issuance of a conditional waiver to San Francisco Cycling, LLC]** Supervisor Daly

Resolution rejecting the conditional waiver for the cost of police services provided to San Francisco Cycling, LLC for the 2004 T-Mobile International Bike Race and for the upcoming 2005, 2006 and 2007 T-Mobile International Bike Race.

(Fiscal impact.)

Supervisor Daly requested that this matter be continued to October 26, 2004.

Supervisor Alioto-Pier requested that this matter be referred to Committee.

REFERRED to the Finance and Audits Committee.

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

041419 **[Honoring Raoul Wallenberg]** Supervisors Peskin, Dufty, Elsbernd, Gonzalez, Daly, Ma

Resolution proclaiming Raoul Wallenberg to be an honorary citizen of the City and County of San Francisco.

Continued to October 26, 2004

Supervisor Elsbernd requested to be added as a co-sponsor.

Supervisor Peskin, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

041421 **[Supporting Bringing America Home Act (H.R. 2897)]** Supervisors Peskin, Daly

Resolution supporting the Bringing America Home Act (H.R. 2897), currently pending in the 108th Congress, and urging its passage by the United States Congress.

Continued to October 26, 2004

Supervisor Daly requested to be added as a co-sponsor.

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041449 **[Establishing a Shelter Monitoring Committee]** **Supervisor Gonzalez**

Ordinance adding Article XII to Article 20 of the San Francisco Administrative Code to establish a Shelter Monitoring Committee to monitor and report on emergency homeless shelters funded in whole or in part by the City.

10/19/04, RECEIVED AND ASSIGNED to Rules Committee.

041450 **[Commodities or services purchased with federal grant funds for the enhancement of homeland security]** **Supervisors Ma, Daly**

Ordinance amending San Francisco Administrative Code Section 21.5 to allow the Purchaser to develop regulations for the purchase of commodities or services using federal grant funds for the enhancement of homeland security where the purchase does not exceed $100,000.

10/19/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041456 **[Contribution Limits for Contractors Doing Business with the Unified School District and Community College District]** **Supervisors Gonzalez, Alioto-Pier**

Ordinance amending section 1.126 of the Campaign and Governmental Conduct Code to extend the contractor contribution limits imposed by that section to contractors doing business with the San Francisco Unified School District and the San Francisco Community College District.

10/19/04, RECEIVED AND ASSIGNED to Rules Committee.

041458 [Small Business Tax Relief Act] Supervisors Elsbernd, Alioto-Pier, Dufty, Ma, Maxwell, Peskin

Ordinance amending the San Francisco Business and Tax Regulations Code by adding a new Chapter 21 to give tax relief to small business enterprises.

10/19/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 11/18/2004.

041459 [Alternative Bid Process for Construction Trade Packages for the Construction of the California Academy of Sciences Facility] Supervisor McGoldrick

Ordinance authorizing the Recreation and Park Commission to implement an alternative bid process for construction trade packages for the construction of the California Academy of Sciences Facility.

10/19/04, RECEIVED AND ASSIGNED to Land Use Committee.

041461 [S.F. Zoo-Keeping Elephants Prohibited] Supervisor Gonzalez

Ordinance adding Section 5.09 to the Park Code to prohibit the keeping of elephants at the San Francisco Zoo by any City department or contractor.

10/19/04, RECEIVED AND ASSIGNED to City Services Committee.

041462 [Tour buses prohibited on Mason Street between Bay Street and Columbus Avenue] Supervisor Peskin

Ordinance adding Police Code Section 1183.33 to prohibit the driving of tour buses on Mason Street between Bay Street and Columbus Avenue.

10/19/04, RECEIVED AND ASSIGNED to Land Use Committee.

041463 [Animal Care & Control - Investigation of complaints at San Francisco Zoo] Supervisor Gonzalez

Ordinance amending S. F. Health Code Sec. 41.4 to authorize the Animal Care and Control Department to investigate complaints regarding animal care at the San Francisco Zoo and to work with the General Manager of the Recreation and Park Department and the Director of the Zoo to remedy any deficiencies in animal care.

10/19/04, RECEIVED AND ASSIGNED to City Services Committee.

041465 [Residential Permit Parking Exemption - Itinerant Teachers] Supervisors Ammiano, Dufty

Ordinance authorizing the Department of Parking and Traffic to issue city-wide permits to exempt San Francisco Unified School District itinerant

teachers and designated school administrators from Residential Permit Parking regulations.

10/19/04, RECEIVED AND ASSIGNED to Land Use Committee.

041466 **[Extending the Yerba Buena Center Redevelopment Plan by One Year]** **Supervisor Daly**

Ordinance amending the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the Yerba Buena Center Redevelopment Plan and the time limit to receive property taxes and repay indebtedness pursuant to Senate Bill 1045.

10/19/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041467 **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt for Affordable Housing Development]** **Supervisor Daly**

Ordinance approving, for the redevelopment plans listed below, the extension of existing time limits in each plan for establishment of loans, advances and indebtedness and for repayment of indebtedness for the exclusive purpose of financing Low and Moderate Income Housing Fund activities: (1) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan, (2) the Hunters Point Redevelopment Plan, (3) the India Basin Industrial Park Redevelopment Plan.

10/19/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

041455 **[MOU between the San Francisco Police Department and the San Francisco Housing Authority for additional police services]** **Supervisor Maxwell**

Resolution retroactively approving the Memorandum of Understanding between the San Francisco Police Department and the San Francisco Housing Authority for additional police services in designated Housing Authority Developments.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041457 **[Accept and Expend Federal Funds - Fiscal Year 2004 Lead Hazard Control Grant Program]** **Supervisor Ammiano**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,000,000.

10/19/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041460 **[Tabulating ranked choice votes for the November 2nd, 2004 Election]** Supervisor Gonzalez

Resolution directing the Department of Elections and urging the Elections Commission to release timely and substantial ranked choice ballot information.

10/19/04, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests this item be scheduled at the October 27, 2004 meeting.

041464 **[Grattan Park]** Supervisor Gonzalez

Resolution urging the Recreation and Park Department to designate Grattan Park as a `Mixed Use' park, creating an area for a dog run which will not interfere with soccer games and posting signs that will designate boundaries for both uses.

10/19/04, RECEIVED AND ASSIGNED to City Services Committee.

041474 **[Andrew Greene Day]** Supervisor Ammiano

Resolution declaring October 29th, 2004 as Andrew Greene Day in the City and County of San Francisco.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041475 **[First in Solar Week]** Supervisors Ammiano, Dufty, Daly

Resolution declaring October 18 -22, 2004 as "San Francisco - First in Solar Week" in the City and County of San Francisco.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041476 **[Commending PlanetOut, Inc.]** Supervisors Dufty, Ammiano

Resolution commending PlanetOut, Inc. for persevering through financial hardship to complete an IPO, and to continue to serve, entertain, and support the gay, lesbian, bisexual and transgender communities while facing these hardships, and for overcoming adversity to forge a hopeful future for members of the community as well as its subscribers.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041477 **[Hotel Worker Lockout]** Supervisors Gonzalez,

Daly, McGoldrick

Resolution urging the San Francisco Hotels Multi-Employer Group to end the lockout of over 4,000 workers and urging the San Francisco Convention and Visitor's Bureau to notify all visitors of non-cooperation on the part of the San Francisco Hotels Multi-Employer Group and of their refusal to allow workers to return to their jobs.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041478 **[Filipino American History Month]** Supervisors Ma, Dufty, Daly, McGoldrick

Resolution declaring October 2004 as "Filipino American History Month" in the City and County of San Francisco.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041479 **[Accept-Expend Federal/State Pass Through Grant]** Supervisors Ma, Dufty, McGoldrick

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $100,000 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for purchasing materials that help meet the needs of Chinese and Russian immigrants in San Francisco.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041481 **[STOP sign - Filbert Street Westbound at Powell Street]** Supervisor Peskin

Resolution designating the intersection of Filbert Street at Powell Street as a "STOP" intersection.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041482 **[Urging the United States Congress to pass and President George W. Bush to sign into law the Filipino Veterans Bills H.R. 677 and S. 88]** Supervisors Sandoval, Gonzalez, Daly, Ma, McGoldrick

Resolution urging United States Congress to pass and President George W. Bush to sign into law the Filipino Veterans Bills H.R. 677 and S. 88.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041446 [Hearing - Hotel Worker Lockout]

Hearing to consider the impact of the lockout of hotel employees by the San Francisco Hotels Multi-Employer Group and possible measures the City can take to ameliorate the situation. (Clerk of the Board)

10/19/04, ASSIGNED to Board of Supervisors. Pursuant to File 041447, Board to sit as a Committee of the Whole on October 22, 2004, at 10:00 a.m.

041468 [Department of the Environment's Environmental Justice Program] Supervisor Maxwell

Hearing on the Department of the Environment's Environmental Justice Program to focus on: (a) Objectives and work program; (b) Plans to secure funding and staffing into the future; and (c) Proposal to expend remaining funds in the Environmental Justice Grant Program.

10/19/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041469 [Water Delivery System in the Event of an Earthquake] Supervisors Ma, Dufty

Hearing to review and discuss the delivery system of our water in the event of an earthquake.

10/19/04, RECEIVED AND ASSIGNED to City Services Committee.

041470 [Services to Families with Children Exposed to Violence.] Supervisor Ma

Hearing to review and discuss San Francisco's strategy for improving systems, developing policy, and delivering coordinated services to families with children exposed to violence.

10/19/04, RECEIVED AND ASSIGNED to City Services Committee.

041471 [Fiscal Impact of the Closure of Episcopal Sanctuary] Supervisor Daly

Hearing regarding the closure of Episcopal Sanctuary.

10/19/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041472 [Police Drug Raid of Mission District Family] Supervisor Ammiano

Hearing on the results of the investigation by both the San Francisco Police Department and the Office of Citizens Complaints regarding the recent case of police drug raid of Mission District family, which later turned out to be a case of mistaken identity.

10/19/04, RECEIVED AND ASSIGNED to City Services Committee.

Motions

041447 **[Hotel Worker Lockout - October 22, 2004 Committee of the Whole]** **Supervisor Gonzalez**

Motion for the Board of Supervisors to convene as a Committee of the Whole on October 22, 2004 at 10:00 a.m. to consider the impact of the lockout of hotel employees by the San Francisco Hotels Multi-Employer Group and possible measures the City can take to ameliorate the situation.

10/19/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041448 **[Legislative Analyst Request - Neighborhood Theaters]** **Supervisor McGoldrick**

Motion requesting the Legislative Analyst to draft a report describing efforts undertaken and being considered by the City to address the issue of loss of neighborhood theaters. Please complete a draft of this report for introduction and adoption by the Board of Supervisors by November 9, 2004. This report is required under state law to be completed by the Board of Supervisors ten (10) days prior to the expiration of any temporary moratorium imposed by the City, such as that recently passed by the Board of Supervisors as an Urgency Ordinance and signed by the Mayor on October 14, 2004. The report, therefore, must be adopted by November 19. In order for the Board to adopt the report on November 16, it must be introduced at a previous Board meeting, the closest one being November 2, 2004.

10/19/04, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 26, 2004.

041473 **[Legislative Analyst Request - San Francisco's Graffiti Laws and Enforcement Practices]** **Supervisors Elsbernd, Ammiano**

Motion requesting the Legislative Analyst to prepare a brief report comparing San Francisco's graffiti laws and enforcement practices to those in Chicago, New York City, Los Angeles, and Boston.

10/19/04, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 26, 2004. Brief report desired delivery date: December 19, 2004.

PROPOSED ORDINANCES

041388 **[Settlement of Lawsuit - Turlock Irrigation District]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Turlock Irrigation District for Declaratory and Injunctive Relief to Validate Termination of Long-Term Power Sales Agreement; the City and County of San Francisco filed the lawsuit on August 13, 2001 in San Francisco Superior Court (San Francisco Superior Court Case No. 323717). (City Attorney)

10/7/04, RECEIVED AND ASSIGNED to Rules Committee.

041427 **[Settlement of Lawsuit - Armstrong, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of claims made by James Armstrong in a multi-party action against the City and County of San Francisco for $50,000.00, placement in Step 3 of current 5173 classification, and payment of the difference between the Step 3 pay rate and the pay rate actually received by James Armstrong retroactive to April 26, 2003; the lawsuit was filed on July 9, 2001 in United States District Court, Northern District, Case No. C01-2611; entitled Armstrong, et al., v. City and County of San Francisco, et al. (City Attorney)

10/8/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041338 **[Settlement of Claim - Shon Escamillo]**

Resolution approving the settlement of unlitigated claim of Shon Escamillo against San Francisco for $29,000; claims was filed on June 24, 2003. (City Attorney)

9/30/04, RECEIVED AND ASSIGNED to Rules Committee.

041339 **[Settlement of Claim - Narvette Lewis Deshay]**

Resolution approving the settlement of the unlitigated claim filed by Narvette Lewis Deshay against San Francisco for $100,000; claim was filed on October 20, 2003. (City Attorney)

9/30/04, RECEIVED AND ASSIGNED to Rules Committee.

041344 **[Develop and implement an automated immunization and reminder system in San Francisco, as part of a statewide system]** Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of $31,686 from the California Department of Health Services (CDHS) to enable

San Francisco to participate in an automated statewide immunization information system and to enter into an agreement for the use of these funds; for the period of July 1, 2004, to June 30, 2005. (Public Health Department)

9/30/04, RECEIVED AND ASSIGNED to City Services Committee.

10/8/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

Supervisor Dufty requested to be as added as sponsor.

041345 **[Expand treatment capacity for homeless addicts in San Francisco through residential treatment and service coordination and add two positions]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $499,999 for the third year of a three year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) for the homeless addict vocational and educational network (HAVEN), to enter into an agreement for the use of these funds, and to add two new positions not included in the original grant; for the period of September 30, 2004 to September 29, 2005. (Public Health Department)

9/30/04, RECEIVED AND ASSIGNED to City Services Committee.

10/4/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

Supervisor Dufty requested to be as added as sponsor.

041346 **[State grant to expand homeless services to the mentally ill]** **Supervisors Dufty, Ammiano**

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH, CBHS) to accept retroactively and expend a grant in the amount of $423,964 from the California Department of Mental Health (CDMH) to expand homeless services to the mentally ill; for the period of July 1, 2004, to June 30, 2005.

9/30/04, RECEIVED AND ASSIGNED to City Services Committee.

10/4/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

Supervisor Dufty requested to be as added as sponsor.

041369 **[FY 2004-05 California Constitution Appropriations Limit]**

Resolution establishing the appropriations limit for Fiscal Year 2004-05 pursuant to California Constitution Article XIII B. (Controller)

9/29/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041385 **[Street Encroachment at 199 Geary Street -**

Security Pacific Place]

Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

10/5/04, RECEIVED AND ASSIGNED to Land Use Committee.

041386 **[Encroachment Permit Fiber Optic lines along Spear Street for The Gap]**

Resolution granting revocable permission to The Gap to occupy a portion of the public right-of-way to construct, install and maintain new conduits, manholes and fiber optic lines on Spear Street to interconnect buildings at #2 Folsom Street (Block 3741, Lot 035), 345 Spear Street (Block 3744, Lot 003) and #1 Harrison Street (Block 3769, Lot 002A); assessing an annual rental cost for said the encroachment; and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Public Works Department)

10/5/04, RECEIVED AND ASSIGNED to Land Use Committee.

041389 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Baker and Broadway, making this intersection an All-Way STOP;

19th and York Streets, stopping 19th Street at York Street, making this intersection an All-Way STOP;

Douglass and Jersey Streets, stopping Jersey Street at Douglass Street, stopping the stem of this uncontrolled T-intersection;

24th Street at Treat Avenue, stopping 24th Street at Treat Avenue, making this intersection an All-Way STOP; and

17th Avenue and Moraga Street, stopping 17th Avenue at Moraga Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(10/6/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2887.)

10/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

041424 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET - ESTABLISH
16th Avenue, northbound, between Rivera and Santiago Streets. (Parking and Traffic Department)

(10/6/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2887.)
10/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

041425 **[Parking Regulations]**
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
21st Avenue, both sides, between Ocean Avenue and Sloat Boulevard (2900 block); and
Sloat Boulevard, south side, between 20th and 21st Avenues (400 block).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
21st Street, both sides, between Dolores and Guerrero Streets (3400 block).

RESIDENTIAL PERMIT PARKING AREA "U" (2--HOUR TIME LIMIT, 8 AM - 10 PM, EVERYDAY) - ESTABLISH
248-254 Ritch Street, west side, between Brannan and Bryant Streets (adds even addresses only, no permit parking signs will be posted on this block).

PARKING METER AREA NO. 3 (9 AM - 6PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Bacon Street, north side, from San Bruno Avenue to 135 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Bacon Street, north side, from 125 to 135 feet east of San Bruno Avenue.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Plum Street, north side, from Mission Street to 31 feet easterly (31-foot zone, accommodating 5 motorcycle parking spaces). (Parking and Traffic Department)
10/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

041428 **[Agreement to sell real property related to the former Central Freeway parcels located on Elm Street near Gough Street]**
Resolution approving and authorizing agreement for the sale by the City, at fair market value, of certain real property known generally as a portion of Lot 23, Assessor's Block 761 to the San Francisco Federal Credit Union; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's general plan and eight priority policies of City Planning Code Section 101.1; and

authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)
10/8/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041434 **[Report of assessment costs for sidewalk and curb repairs]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(DPW Order No. 175,026; Locations: 1990 California Street; 1306 Clayton Street.)
10/8/04, ASSIGNED to Board of Supervisors.

Requests Granted

From: Supervisor Ammiano

To: Chief of Police

To: Director, Office of Citizen Complaints

Requesting/Inquiring: To notify the Chief of Police and the Director of Office of Citizen Complaints to consider the recent case of a police drug raid on a Mission District family, which later turned out to be a case of mistaken identity; and that a committee hearing will be called in the near future.

From: Supervisor Elsbernd

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report on the feasibility of installing stop signs at the intersection of Juanita and Rex and Juanita and Del Sur.

In Memoriams

Izora Armstead (Supervisors Dufty, Ammiano)

Jilma Serina (Supervisor Dufty)

Joseph Rodrigues Bisho Jr. "Rod" (Supervisor Elsbernd)

Kenneth Sullivan (Supervisor Elsbernd)

ADJOURNMENT

There being no further business, the Board at the hour of 4:05 p.m.adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 16, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
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翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

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ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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MEETING MINUTES

Tuesday, October 26, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake*

McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

041178 **[Declaring blighted vacant lots to be a nuisance and authorizing DPW to abate such nuisances at the owners' expense following notice and opportunity for hearing]** — **Supervisors Elsbernd, Dufty, Ma, McGoldrick, Gonzalez**

Ordinance amending Article 15 of the Public Works Code by adding Sections 735 through 735.4 to declare blighted vacant lots a public nuisance, require owners to abate such nuisances and authorize DPW to abate such nuisances at the owners' expense following written notice from DPW and the opportunity for a hearing.

Enacted Number: 265-04

FINALLY PASSED

031932 **[Restricting the sale or transfer of 50 caliber firearms and ammunition, requiring reporting of firearm thefts, and deleting obsolete provisions** — **Supervisors Gonzalez, Dufty, Daly**

regulating firearms]

Ordinance amending the Police Code by deleting Sections 552, 556 and 557, relating to possession of firearms by minors and possession of facsimile firearms in order to conform to state law, amending Section 602 to delete redundant provisions and provisions relating to air guns in order to conform to state law; amending Sections 613.1, 613.10 and 613.10-1 to delete requirements relating to "Saturday Night Specials," restrictions on the sale of large capacity magazines and various other requirements relating to firearms dealers in order to conform to state law and add new requirements in Section 613.10-1 to restrict the sale or transfer of 50 caliber firearms and ammunition; amending Sections 613.2 and 613.3 to require the Chief of Police to conduct a background check on applicants for a firearms dealer license and such applicants' employees; amending Sections 613, 613.10-3, 613.12, 613.16, 613.19, 617 and 618 to make technical and conforming corrections; amending Section 613.10-2, restricting the sale of ultracompact firearms to update findings and exceptions to restrictions on sales, deleting Sections 614 through 616, relating to reporting of firearms sales by dealers in order to conform to state law, renumbering existing Sections 617 and 618 as Sections 614 and 615; and adding a new Section 616, requiring owners of firearms to report the loss or theft of a firearm to the Police Department.

Enacted Number: 260-04

FINALLY PASSED

041150 **[Revising graffiti clean-up requirements for property owners and revising enforcement and abatement procedures where property owners fail to remove graffiti]** **Supervisors Elsbernd, Dufty, Ma, Alioto-Pier, McGoldrick, Gonzalez**

Ordinance amending Article 23 of the San Francisco Public Works Code by (1) amending Sections 1301 through 1304, deleting existing Section 1305, amending and retaining part of existing Section 1306 as renumbered Section 1305, and amending and placing part of existing Section 1306 in new Section 1306, to require that property owners either remove graffiti from their property or request a hearing within 30 days of receiving a notice of violation, clarify and streamline review procedures for graffiti violations, and authorize special assessments to recover graffiti removal costs; and (2) making technical corrections to Sections 1307 and 1308.

Enacted Number: 263-04

FINALLY PASSED

Recommendations of the Finance and Audits Committee

041245 **[To substitute funds in General Fund for parking tax revenue currently appropriated to programs for Senior Citizens]** **Mayor, Supervisors Ma, Dufty, Elsbernd, Ammiano, Alioto-Pier, Peskin, Maxwell**

Ordinance substituting $10,710,000 of parking tax revenue currently appropriated to programs for senior citizens with $10,710,000 of General Fund for fiscal year 2004-05, as part of the September 9, 2004 state Court of Appeals ruling in the case City & County of San Francisco vs. Flying Dutchman Park, Inc.

(Fiscal impact.)

Enacted Number: 266-04

FINALLY PASSED

041309 **[Public Employment - DPH, OES, Fire, Police, Sheriff, and Port]** **Supervisor Ma**

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) to reflect the creation of forty-two positions and the deletion of six positions in the following departments: Public Health, Office of Emergency Services, Fire, Police, Sheriff, and Port.

(Fiscal impact.)

Enacted Number: 259-04

FINALLY PASSED

041313 **[Payment of Reward - Jane Doe]** **Mayor**

Ordinance authorizing payment of a $12,500.00 reward to Jane Doe for supplying information leading to the arrest and conviction of the perpetrators who murdered Shayne Worcester.

Enacted Number: 256-04

FINALLY PASSED

041314 **[Payment of Reward to three John Does]** **Mayor**

Ordinance authorizing payment of a $10,000.00 reward to be split amongst three John Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Parrish Wingard.

Enacted Number: 257-04

FINALLY PASSED

Recommendations of the Land Use Committee

041233 [Stop Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Grove and Scott Streets, stopping Scott Street, making this T-intersection an All-Way STOP;
Neptune Street and Thornton Avenue, stopping Thornton Avenue, making this intersection an All-Way STOP; and
Olympia Way and Panorama Drive, stopping Olympia Way at Panorama Drive, making this T-intersection an All-Way STOP. (Parking and Traffic Department)

8/26/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.

Enacted Number: 653-04
ADOPTED

041234 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Webster Street, west side, between Broadway and Vallejo Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lyon Street, west side, from 16 feet south of Chestnut Street to 16 feet north of Chestnut Street (100-foot zone).

UNMETERED MOTORCYCLE PARKING - EXTEND
7th Street, west side, from 76 feet to 97 feet north of Townsend Street (accommodating an additional six unmetered motorcycle parking spaces).

TOW-AWAY, NO PARKING, 10 PM TO 6 AM, EVERYDAY - ESTABLISH
Lathrop Avenue, south side (400-600 blocks); and
Lathrop Avenue, north side, (600 block).

TOW-AWAY, NO STOPPING ANYTIME - EXTEND
Bayshore Boulevard, west side, from 220 feet to 310 feet south of Bacon Street (90-foot extension).

NO PARKING, 6 AM TO 9 AM, MONDAY THROUGH FRIDAY, AND 1-HOUR PARKING, 9 AM TO 6 PM, MONDAY THROUGH FRIDAY, 7 AM TO 6 PM, SATURDAY, EXCEPT VEHICLES WITH CARPOOL PERMITS - RESCIND
4th Street, east side, from Folsom Street to 125 feet southerly (parking

meters to remain).

TOW-AWAY, NO STOPPING MONDAY - FRIDAY, 7 AM TO 9 AM - RESCIND
Folsom Street, east side, from 12th to 14th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Folsom Street, east side, from 75 feet south to 112 feet north of 13th Street.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Baker Street, east side, from Broadway to Pacific Avenue.

2 HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
PARKING METERS (METER RATE AREA NO.3), 2-HR TIME LIMIT, 7 AM - 6 PM, EXCEPT SUNDAY - ESTABLISH
Harrison Street, both sides, between 6th and 7th Streets.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Dolores Street, east side, from Duncan Street to a point 19 feet southerly (accommodates three motorcycle parking spaces and aids visibility at the corner).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
13th Street, from 102 feet to 56 feet east of Folsom Street (46 feet).

1 - HOUR PARKING, 7 AM - 6 PM, EXCEPT SUNDAY - RESCIND
2 - HOUR PARKING, 7 AM - 6 PM, EXCEPT SUNDAY - ESTABLISH
12th Street, between Folsom and Harrison Streets; and
Folsom Street, between 11th and 13th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Clarendon Avenue, north side, from Laguna Honda Boulevard to a point 100 feet easterly.

RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Capp Street, both sides, between 26th and Mission Streets (1100 block). (excludes the thru-lot of 3330 Cesar Chavez Street).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
23rd Street, both sides, between Dolores and Chattanooga Streets (3700 block).

NO PARKING ANYTIME EXCEPT BICYCLES - ESTABLISH
Grove Street, north side, from 147 feet to 194 feet west of the Hyde Street crosswalk.

GREEN ZONE, 9 AM - 6 PM, MONDAY THROUGH SATURDAY - RESCIND
GREEN ZONE, 8 AM - 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
18th Street, north side, from Diamond Street to 48 feet westerly (extended hours requires Board of Supervisor's approval).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME -

Enacted 654-04

Number:
ADOPTED

041235 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY - RESCIND
Fowler Avenue at Teresita Boulevard, southbound.

BICYCLE LANES - ESTABLISH
Folsom Street, northbound, from 11th to 14th Streets. (Parking and Traffic Department)

8/26/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.

Enacted 655-04
Number:
ADOPTED

Recommendations of the Rules Committee

040988 [Prohibiting contractors from disclosing private information about individuals obtained from the City and County without written approval or authorization by law] Supervisors McGoldrick, Peskin, Maxwell, Ammiano, Gonzalez, Alioto-Pier, Elsbernd, Daly

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12M to prohibit contractors from disclosing to any person or entity private information about individuals obtained from the City and County in the performance of the contract unless the contract authorizes the disclosure, the contractor first obtains the written approval of the contracting department, or the disclosure is authorized or required by law.

Supervisor Daly requested to be added as a co-sponsor.

Enacted 261-04
Number:
FINALLY PASSED

041282 [Settlement of Unlitigated Claim - National Airlines] Mayor

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission (the

"Airport"), against National Airlines ("National") by approving a Settlement Agreement pursuant to which National will pay to the Airport $12,374.23.

Enacted Number: 267-04
FINALLY PASSED

041217 **[Appointment - Sunshine Ordinance Task Force]**
Resolution appointing Rosalina Contreras-Rosado, term ending April 27, 2005, to the Sunshine Ordinance Task Force.

Rosalina Contreras-Rosado, succeeding Pawan Mehra, resigned, seat 4, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic-minority-owned news organization, for the unexpired portion of a two-year term ending April 27, 2005.

Enacted Number: 652-04
ADOPTED

041426 **[Appointment - Commission on the Aging Advisory Council]**
Resolution appointing Alexander MacDonald, term ending March 31, 2006, to the Commission on the Aging Advisory Council.

Alexander MacDonald, succeeding Harriet Sebastian, resigned, seat 2, must be nominee of District 6 Supervisor, for the unexpired portion of a two-year term ending March 31, 2006.

Enacted Number: 664-04
ADOPTED

The Consent Calendar, except for File No. 041342 was passed by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 1 - Daly

Supervisor Daly, seconded by Supervisor Dufty, moved to rescind the previous vote.

Motion to rescind the previous vote carried without objection.

PASS THE CONSENT AGENDA by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Consent Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

041342 **[Settlement of Lawsuit - Apartment Investment and Management Company, aka AIMCO, et al.]** Supervisor Daly

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against AIMCO and seven of its corporate affiliates, filed on January 30, 2002 in San Francisco Superior Court, Case No. GCG 02-404-010, entitled City and County of San Francisco, et al., v. Apartment Investment and Management Company, aka AIMCO, et al., relating to code violations at four apartment buildings in Bayview/Hunters Point, and a cross-complaint against the City and certain individual employees filed on January 28, 2003; the settlement provides for payment to the City of a total of $3,000,000 plus an additional contingent payment of $500,000; $1,000,000 of the $3,000,000 payment from AIMCO will be dedicated to improving public safety in the area through helping establish a new Hunters Point/Bayview S.F. Boys and Girls Club with an associated Police Department Office; the settlement also provides that AIMCO has abated or will abate all notices of violation issued by the Department of Building Inspection that were the subject of the lawsuit; and approving satisfaction of DBI fees for AIMCO's proposed renovation of the Properties, through AIMCO's payment of settlement funds to the City. (City Attorney)

Enacted Number: 268-04

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly

Supervisor Daly, seconded by Supervisor Dufty, moved to rescind the previous vote.

Motion to rescind the previous vote carried without objection.

Supervisor Daly requested to be added as sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Daly requested that File Nos. 041270 and 041271 be severed so that they might be considered separately.

041270 **[Parking Regulations]** **Supervisor McGoldrick**

Resolution enacting and rescinding parking regulations at various locations.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
O'Farrell Street, north side, from Van Ness Avenue to Polk Street, eliminating 13 parking meters.

TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Polk Street to Larkin Street.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
820 O'Farrell Street at Larkin Street, northwest corner, from Larkin Street to 94 feet westerly eliminating parking meter nos. 802, 804, 806 and 808, (to create a 94-foot left turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
895 O'Farrell Street at Polk Street, southeast corner, from 81 feet to 99 feet east of Polk Street, extending bus zone by 18 feet).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street (establishing eleven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Larkin Street to Hyde Street (establishing ten parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
709 O'Farrell Street at Hyde Street, southwest corner, from Hyde Street to 90 feet westerly, (to create a 90-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Hyde Street to Leavenworth Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY -

ESTABLISH
O'Farrell Street, north side, from Hyde Street to Leavenworth Street (establishing seven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Hyde Street to Leavenworth Street (establishing six parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
608 O'Farrell Street at Leavenworth Street, northwest corner side, from Leavenworth Street to Harlem Alley, (to create a 76-foot left-turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
501 O'Farrell Street at Jones Street, southwest corner, from Jones Street to 96 feet westerly, (to create a 96-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street (establishing nine parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Leavenworth Street to Jones Street (establishing nine parking meters).

NO STOPPING ANYTIME - REVOKE
METERED YELLOW ZONE, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH
340 O'Farrell Street, north side, from 245 feet to 289 feet east of Taylor Street (44-foot zone establishing two meters).

NO STOPPING ANYTIME - REVOKE
GENERAL METERED PARKING, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY

Continued to November 23, 2004

Supervisor Daly, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041271 [Traffic Regulations] Supervisor McGoldrick

Resolution enacting and rescinding traffic regulations on various streets.

TRANSIT (CURB) LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Hyde and Leavenworth Streets.

TOW AWAY NO STOPPING, BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Leavenworth and Jones Streets.

TOW AWAY LANE (NORTH SIDE) - BUSES, TAXIS AND RIGHT TURNS ONLY, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
300 block of Geary Street (transit lane).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

Continued to November 23, 2004

Supervisor Daly, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance and Audits Committee

041173 **[Funding from bond proceed sales of General Obligation and Lease Revenue bonds for improvement and construction of open space/ neighborhood park projects and to re-appropriate prior year** — **Supervisors McGoldrick, Elsbernd, Gonzalez, Daly, Ammiano**

Ordinance appropriating $68,800,000 of bond sale proceeds from General Obligation Bonds to fund the improvement and construction of parks and open space (as part of Proposition A) appropriating $27,005,000 of bond sales proceeds from Lease Revenue Bonds to fund at least 11 neighborhood park improvement projects and various additional projects; and re-appropriating $2,783,973 of prior year Open Space project funding to various active capital improvement projects in current fiscal year 2004-05 for a total amount of $98,588,973; and releasing $2,000,000 in reserve, funded through Revenue Bonds, for capital projects; and placing the

amounts of $68,800,000, $27,005,000, $191,700 and $3,273,272 on reserve.

(Fiscal impact.)

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 264-04

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the City Services Committee

041148 [Dance and Place of Entertainment Permits-security requirements, increased penalty for violation] — Supervisors Maxwell, Dufty, Alioto-Pier, Ma, Gonzalez, Daly, Ammiano

Ordinance amending San Francisco Police Code Sec. 1022 to define "security plan"; amending Police Code Sec. 1023 to require applicants for dance permits to have a security plan, and to require owners or managers of places that are rented to persons planning to use the facility for a dance to inform such persons that a permit is required for such activity; amending Police Code Sec. 1027 to make the violation of Secs. 1023 through 1026 an infraction or a misdemeanor, to increase the maximum penalty for violation thereof to $1000, and subject to revocation of the permit; amending Police Code Sec. 1060 to define "security plan"; amending Police Code Sec. 1060.5 to revise determination of application criteria to require a security plan; amending Police Code Sec. 1060.25 to increase the maximum penalty for violation of Article 15.1 to an infraction or a misdemeanor, to increase the maximum penalty for violation thereof to $1000, and subject to revocation of the permit; adding Police Code Sec. 1060.29 to require one night event permits for one night events; and amending Police Code Sec. 2.26 to include one night events under the schedule of permits and filing fees.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 262-04

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Finance and Audits Committee

041369 **[FY 2004-05 California Constitution Appropriations Limit]**

Resolution establishing the appropriations limit for Fiscal Year 2004-05 pursuant to California Constitution Article XIII B. (Controller)

Enacted Number: 657-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041249 **[Requiring Graffiti-Resistant Parking and Traffic Control Signs]** **Supervisors Dufty, Ma, Ammiano, Maxwell, Elsbernd, Alioto-Pier, Peskin, Gonzalez**

Ordinance amending Article 3 of the San Francisco Traffic Code by adding Section 51 to require the Department of Parking and Traffic to (1) replace all existing parking and traffic control signs defaced by graffiti with new signs treated with graffiti-resistant sheeting, and (2) install only new parking and traffic control signs treated with graffiti-resistant sheeting.

(Fiscal impact.)

Supervisor Gonzalez requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Land Use Committee

040145 **[Zoning Map Amendment - Second Street between South Park and Townsend Streets]** **Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Section Map 1H, to change the height and bulk district designations of Assessor's Block 3775, Lots 007 and 008, on the western side of Second Street between South Park and Townsend Streets from 40-X to 65-X, and adopting findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041115 **[Changing Official Width of Sidewalk - West side of Lyon Street at Chestnut Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1564 to change the official sidewalk width on the west side of Lyon Street at Chestnut Street; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040563 **[San Jose Avenue, Guerrero Street Pedestrian Safety Improvements]** Supervisors Dufty, Ammiano, Peskin, Maxwell

Resolution establishing various traffic and parking changes on portions of San Jose Avenue, Cesar Chavez Street, and Dolores Street.

Enacted Number: 650-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041099 **[Street Artist Winter Holiday Spaces]**

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2004, beginning on November 15, 2004 and ending on January 15, 2005. (Arts Commission)

Enacted Number: 651-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041385 **[Street Encroachment at 199 Geary Street - Security Pacific Place]**

Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

Amended on page 2, line 22, by replacing "even" with "event."

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Continued to November 2, 2004

CONTINUED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041394 **[Urging the Department of Environment to develop plans for a renewable hydrogen fueling station alongside other alternative fuels]** — **Supervisors Gonzalez, Ammiano, McGoldrick**

Resolution urging the Department of the Environment to develop plans for a renewable hydrogen fueling station, alongside other possible fuels, for the implementation of a complete alternative fueling station in San Francisco and to report back to the Board within 6 months.

Supervisors Ammiano and McGoldrick requested to be added as co-sponsors.

Enacted Number: 659-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Rules Committee

041242 **[Adding the Department on the Status of Women to the Justice Tracking System (JUSTIS) Committee Governance Council]** — **Supervisors Ma, Maxwell, Alioto-Pier, Dufty, Ammiano**

Ordinance amending San Francisco Administrative Code Section 2A.85 by adding the Department on the Status of Women as a member of the Justice Tracking System (JUSTIS) Committee Governance Council and authorizing membership to agencies that operate programs integrally related to the criminal justice system.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041280 **[Housing Authority Commissioner Julie Lee]** — **Supervisors Gonzalez, Ammiano, Daly, Peskin, Elsbernd, Alioto-Pier, McGoldrick**

Resolution urging Housing Authority Commissioner Julie Lee to resign, urging

the Mayor to call for her resignation and urging the Housing Authority Commission to call for her resignation.

Supervisor McGoldrick requested to be added as a co-sponsor.

Enacted Number: 656-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Ammiano Excused From Voting

Supervisor Daly, seconded by Supervisor Elsbernd, moved to excuse Supervisor Ammiano, at his request, from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

041384 **[Appointment - Graffiti Advisory Board]**

Resolution appointing Supervisor Tom Ammiano, term indefinite, to the Graffiti Advisory Board.

Supervisor Tom Ammiano, succeeding Supervisor Gavin Newsom, resigned, seat 1, must be member of the Board of Supervisors, for an indefinite term.

Enacted Number: 658-04

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Peskin, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Peskin introduced, welcomed and presented Certificates of Honor to Ellen Newman and Nancy Bechtle, founders of "Hearts of the City" project.

Supervisor Dufty introduced, welcomed and commended Mani Bruce Mitchell.

President Gonzalez introduced, welcomed and presented a Certificate of Honor to Dr. Carlos Castresana.

041070 **[Zoning - Conditional Use for Change in Use or Demolition of a Movie Theater]** **Supervisors Peskin, McGoldrick, Maxwell, Alioto-Pier, Ammiano, Elsbernd, Gonzalez, Daly**

Ordinance amending the Planning Code to add Section 221.1 and to amend sections 703.2, 803.2, and 803.3 to require conditional use authorization for any project involving the change in use or demolition of a movie theater; amending Planning Code section 303 to require specific findings as part of a conditional use authorization for a change in use or demolition of a movie theater; making findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1; making environmental findings; and making the Ordinance retroactive to any site permit application submitted after July 27, 2004.

Supervisors Maxwell, Alioto-Pier, Ammiano, Elsbernd, Gonzalez, and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Ma

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed, support for John Kerry

Jean Lynch, wanted housing for Jeanette Guest (a blind woman)

Barbara Bloan, wants Julie Lee to resign as Housing Authority Commissioner

Mr. DiDonna, gave definition of liberal

Paul Kedla, funding for medical care

Dick Haggs, support for Proposition 67

Espanola Jackson, health issues in Bayview-Hunters Point

Francisco Di Costa - wants open hearing on Parcel A (in Bayview-Hunters Point)

Mr. Morales, San Francisco Tenants Union, Ellis Act eviction of Jeanette Guest

Male Speaker, pedestrian fatalities

Female Speaker, Political Action Committees

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

041448 [Legislative Analyst Request - Neighborhood Theaters] Supervisor McGoldrick

Motion requesting the Legislative Analyst to draft a report describing efforts undertaken and being considered by the City to address the issue of loss of neighborhood theaters. Please complete a draft of this report for introduction and adoption by the Board of Supervisors by November 9, 2004. This report is required under state law to be completed by the Board of Supervisors ten (10) days prior to the expiration of any temporary moratorium imposed by the City, such as that recently passed by the Board of Supervisors as an Urgency Ordinance and signed by the Mayor on October 14, 2004. The report, therefore, must be adopted by November 19. In order for the Board to adopt the report on November 16, it must be introduced at a previous Board meeting, the closest one being November 2, 2004.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041473 [Legislative Analyst Request - San Francisco's Graffiti Laws and Enforcement Practices] Supervisors Elsbernd, Ammiano

Motion requesting the Legislative Analyst to prepare a brief report comparing San Francisco's graffiti laws and enforcement practices to those in Chicago, New York City, Los Angeles, and Boston.

Supervisor Ammiano requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041455 [MOU between the San Francisco Police Department and the San Francisco Housing Authority for additional police services] Supervisor Maxwell

Resolution retroactively approving the Memorandum of Understanding between the San Francisco Police Department and the San Francisco Housing Authority for additional police services in designated Housing Authority Developments.

Enacted Number: 665-04

ADOPTED

041474 [Andrew Greene Day] Supervisor Ammiano

Resolution declaring October 29th, 2004 as Andrew Greene Day in the City and County of San Francisco.

Enacted Number: 666-04

ADOPTED

041475 [First in Solar Week] Supervisors Ammiano, Dufty, Daly

Resolution declaring October 18 -22, 2004 as "San Francisco - First in Solar Week" in the City and County of San Francisco.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 667-04

ADOPTED

041476 [Commending PlanetOut, Inc.] Supervisors Dufty, Ammiano

Resolution commending PlanetOut, Inc. for persevering through financial hardship to complete an IPO, and to continue to serve, entertain, and support the gay, lesbian, bisexual and transgender communities while facing these hardships, and for overcoming adversity to forge a hopeful future for

members of the community as well as its subscribers.

Enacted Number: 668-04
ADOPTED

041477 [Hotel Worker Lockout] Supervisors Gonzalez, Daly, McGoldrick

Resolution urging the San Francisco Hotels Multi-Employer Group to end the lockout of over 4,000 workers and urging the San Francisco Convention and Visitor's Bureau to notify all visitors of non-cooperation on the part of the San Francisco Hotels Multi-Employer Group and of their refusal to allow workers to return to their jobs.

Supervisors Daly and McGoldrick requested to be added as co-sponsors.

Enacted Number: 669-04
ADOPTED

041478 [Filipino American History Month] Supervisors Ma, Dufty, Daly, McGoldrick

Resolution declaring October 2004 as "Filipino American History Month" in the City and County of San Francisco.

Supervisors Daly and McGoldrick requested to be added as co-sponsors.

Enacted Number: 670-04
ADOPTED

041479 [Accept-Expend Federal/State Pass Through Grant] Supervisors Ma, Dufty, McGoldrick

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $100,000 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for purchasing materials that help meet the needs of Chinese and Russian immigrants in San Francisco.

Supervisor McGoldrick requested to be added as a co-sponsor.

Enacted Number: 671-04
ADOPTED

041482 [Urging the United States Congress to pass and President George W. Bush to sign into law the Filipino Veterans Bills H.R. 677 and S. 88] Supervisors Sandoval, Gonzalez, Daly, Ma, McGoldrick

Resolution urging United States Congress to pass and President George W. Bush to sign into law the Filipino Veterans Bills H.R. 677 and S. 88.

Supervisors Gonzalez, Daly, Ma and McGoldrick requested to be added as co-sponsors.

Enacted Number: 672-04

ADOPTED

041438 **[Final Map for a 7 Unit Commercial / Residential Condominium Project - 807 Columbus Avenue]**

Motion approving Final Map of 807 Columbus Avenue, A Commercial / Residential Condominium Project, being a subdivision of Lot 3 in Assessor's Block No. 74, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Enacted Number: M04-116

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Without Committee Reference Agenda

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

041419 **[Honoring Raoul Wallenberg]** **Supervisors Peskin, Dufty, Elsbernd, Gonzalez, Daly, Ma**

Resolution proclaiming Raoul Wallenberg to be an honorary citizen of the City and County of San Francisco.

Enacted Number: 662-04

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to rescind the previous vote.

Motion to rescind the previous vote carried without objection.

Supervisors Gonzalez, Daly and Ma requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Ma requested that this matter be severed so that it might be considered separately.

041406 **[Family Economic Self Sufficiency]** Supervisors Ammiano, Daly

Resolution adopting "Family Economic Self Sufficiency" as a goal toward which the City and County will strive to achieve and will make concerted efforts to move families out of poverty towards economic self-sufficiency through legislation initiative, budgetary planning decisions and executive policy directives.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Elsbernd

Supervisor Gonzalez requested to be added as a co-sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Elsbernd

Supervisor Ma requested that this matter be severed so that it might be considered separately.

041407 **[Supporting the Emergency Medical Care Initiative]** Supervisors Ammiano, Maxwell, McGoldrick, Dufty, Alioto-Pier, Daly

Resolution supporting the passage of Proposition 67, the Emergency Medical Care Initiative on the 2004 November ballot.

Enacted Number: 661-04

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

041421 **[Supporting Bringing America Home Act (H.R. 2897)]** **Supervisors Peskin, Daly**

Resolution supporting the Bringing America Home Act (H.R. 2897), currently pending in the 108th Congress, and urging its passage by the United States Congress.

Enacted Number: 663-04

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

041481 **[STOP sign - Filbert Street Westbound at Powell Street]** **Supervisor Peskin**

Resolution designating the intersection of Filbert Street at Powell Street as a "STOP" intersection.

REFERRED to the Land Use Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041487 **[Mayor's Office on Disability]** Supervisor Alioto-Pier

Ordinance amending the San Francisco Administrative Code by amending the title to Chapter 2A, Article 1 to add the Department of Administrative Services and by adding a new Section 2A.22 to Chapter 2A, Article 1 to create the Mayor's Office on Disability and place it within the Department of Administrative Services and empower the Mayor's Office on Disability to issue, subject to approval by ordinance of the Board of Supervisors, policies and procedures with respect to compliance with the Americans with Disabilities Act (Public Law 101-336) and other disability rights laws and disability access regulations and codes.

10/26/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/25/2004.

041488 **[Regulating Computer Rental Businesses]** Supervisor Ma

Ordinance adding Article 10.2 to the San Francisco Police Code, regulating businesses that rent computer time to patrons by prohibiting minors from using game controllers or renting computer time for purposes of gaming during certain times, requiring supervision, prohibiting loitering, regulating waiting lists, posting hours of operation, and providing for a penalty.

10/25/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 11/25/2004.

041492 **[Appropriate funding from the General Reserve to increase available funding in the Department of Public Health for self-help services to the homeless]** Supervisor Daly

Ordinance appropriating $567,000 from the General Fund Reserve to fund peer based self-help services for chronically homeless people in the Tenderloin for the Department of Public Health for fiscal year 2004-2005.

(Fiscal impact.)

10/26/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041494 **[Humane Treatment of all Companion Dogs]** Supervisor Dufty

Ordinance amending the San Francisco Health Code by amending sections 41.12 and 41.13 to insure the humane treatment of all companion dogs including sentry and guard dogs throughout the City and County of San Francisco by instituting shelter, water, feeding and confinement standards.

10/26/04, RECEIVED AND ASSIGNED to City Services Committee.

041495 **[Ordinance enhancing emergency general assistance for temporarily unemployed hospitality and tourist industry workers]** Supervisor Daly

Ordinance amending sections 20.56.10, 20.57, 20.58.2, & 20.59 of the San Francisco Administrative Code to do the following: enhance emergency general assistance (GA) benefits for hospitality and tourist industry workers

temporarily unemployed from their position of employment during October 1, 2004-June 1, 2005 and to create a baseline aid amount of $400 per month for this group, among other things; allow specified group to retain $2,000 in a savings acount and to possess a vehicle with cash value of $10,000 or less without affecting GA eligibility requirements; allow dependent children of covered group to be otherwise eligible for GA; allow the Executive Director of the Department of Human Services to exempt employment and other requirements for this group and to pass regulations implementing this ordinance, consistent with this Article.

(Fiscal impact.)

10/26/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

041491 **[Multifamily Housing Revenue Bonds]** **Supervisor Peskin**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $19,200,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related matters.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041498 **[Accept-Expend Grant funds for the 16th Street Pavement/Valencia Street Pavement Renovation Projects]** **Supervisors Ammiano, Dufty, Daly**

Resolution authorizing the Director of the Department of Public Works to accept and expend federal Surfacing Transportation Program funds totaling $5,346,000 for the 16th Street Pavement Renovation Project and the Valencia Street Pavement Renovation Project.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041499 **[Commending St. Anne's Church on its 100th Birthday]** **Supervisors Elsbernd, Gonzalez, Ma, McGoldrick, Dufty, Ammiano**

Resolution commending St. Anne's Church on its 100th Birthday.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041500 [Accept-Expend Federal Grant] Supervisors Alioto-Pier, Dufty

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $742,108 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) for the purpose of restructuring the existing JUSTIS architecture strategy and upgrading infrastructure components utilized for citywide criminal justice processes, that will provide criminal justice criminal justice agencies and the public, with varying degrees of criminal justice information.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041501 [Accept-Expend Federal Grant] Supervisors Ma, Dufty

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $599,102 from the Office of Justice Programs (OJP), Office of Violence Against Women (OVW) for the purpose of encouraging policies that treat domestic violence and sexual assault as serious violations of criminal law.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041502 [End Racial Profiling Act of 2004] Supervisors Ma, Ammiano

Resolution urging the San Francisco Congressional delegation to support H.R. 3847, prohibiting racial profiling.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041503 [Raise Reward to $50,000 for Tari Ramirez] Supervisor Ma

Resolution urging the Mayor to build a citywide response to end domestic violence by raising the reward for apprehending Tari Ramirez from $35,000 to $50,000.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041504 [Commending the California Lawyers for the Arts] Supervisors Ma, Dufty, Ammiano

Resolution commending the 30th Anniversary of the California Lawyers for the Arts.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041506 **[Commending Monroe Elementary School]** **Supervisors Sandoval, Ammiano**

Resolution commending Monroe Elementary School for winning the San Francisco Beautiful 2004 Beautification Award.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041507 **[United Nations Millennium Development Goals]** **Supervisor Peskin**

Resolution Supporting the United Nations Millennium Development Goals.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041508 **[Plan and community engagement for a possible co-located Eureka Valley Harvey Milk Memorial Branch Library and Museum and Archives of the GLBT Historical Society]** **Supervisors Dufty, Ammiano, Maxwell, Ma, Alioto-Pier, Gonzalez, Daly, Peskin, Elsbernd**

Resolution encouraging development of a plan and community engagement for a possible co-located Eureka Valley Harvey Milk Memorial Branch Library and Museum and Archives of the Gay, Lesbian, Bisexual, Transgender (GLBT) Historical Society.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041509 **[Zoning - Extension of Planning Commission Review Period]** **Supervisor Peskin**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to prohibit formula retail uses in the North Beach Neighborhood Commercial District.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests For Hearing

041490 **[Permits for the Nike 26.2 Run]** **Supervisor McGoldrick**

Hearing on the approval of permits for the Nike event. Among the questions to be answered in this hearing are: (1) How the approvals occurred; (2)

What conditions were imposed on the permits; (3) Whether Nike complied with any conditions imposed; (4) How the route for the race was chosen; and, (5) Why there was little to no notice of the event given to neighbors and to Supervisor McGoldrick.

10/26/04, RECEIVED AND ASSIGNED to Land Use Committee.

041493 **[Department of Public Health Reserve Funds]** Supervisor Sandoval

Hearing to review the Department of Public Health request for release of reserve funds in the amount of $521,644.00.

10/26/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041496 **[Golden Gate Park Concourse Garage Projects]** Supervisor Daly

Hearing regarding design, financing, and construction of each of the Golden Gate Park Concourse Garage Projects along with full disclosure of the complex financing arrangements of the long-range repayment plan.

10/26/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the November 3, 2004 meeting.

041497 **[Golden Gate Park Concourse Authority's proposed plans for Martin Luther King Jr. Drive]** Supervisor Ammiano

Hearing regarding Golden Gate Park Concourse Authority's proposed plans for Martin Luther King Jr. Drive.

10/26/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Motions

041505 **[Setting the policy of the Board to hold meetings in each district]** Supervisor Sandoval

Motion setting the policy of the Board to convene one meeting in each of the eleven districts per month, annually.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041485 **[Needle Exchange Emergency]** Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange

program.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041486 [Emergency Declaration Concurrence - Influenza Vaccine] Mayor, Supervisors Dufty, Ammiano

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

10/26/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

041437 [Partial Settlement of Lawsuit - Eugene Kalinin, et al.]

Ordinance authorizing partial settlement of the lawsuit filed by Tim Anderson, Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Edward Allen Ellstad, Eugene Kalinin, Daniel Manning, Sonia Mariona, William Moralez, Brian J. Perry and Jack Z. Wronski against the City and County of San Francisco for $240,000; the lawsuit was filed on November 5, 2003, in the United States District Court, Northern District of California, Case No. C-03-4928 MHP; entitled Eugene Kalinin, et al., v. City and County of San Francisco, et al; the partial settlement resolves certain claims in the lawsuit brought by plaintiffs Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Eugene Kalinin, Daniel Manning and Sonia Marion; all plaintiffs have additional claims remaining in the lawsuit. (City Attorney)

10/14/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041430 [Emergency Repairs]

Resolution authorizing expenditure of funds for emergency repairs of Early Intake at an estimated cost of $4,700,000. (Public Utilities Commission)

(Fiscal impact.)

10/15/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041451 [Airport Concession Lease No. 03-0195]

Resolution approving the termination of Domestic Terminal Food and Beverage Program Lease No. 03-0195 between Susie Lee Tong Enterprises, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

10/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041452 [Airport Concession Lease - "F" Newsstand]

Resolution approving the Boarding Area "F" Newsstand Lease between Soto & Sanchez Investments, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

10/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041453 [Airport Concession Lease - Terminal 3 Newsstands]

Resolution approving the Terminal 3 Newsstands Lease - A Disadvantaged Business Enterprise Set-Aside between Soto & Sanchez Investments, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

10/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041454 [Accept-Expend Federal Grant - SmartCatch Project]

Resolution authorizing the Airport Commission to accept and expend a grant in the amount of $518,266.00 from the Transportation Security Administration to develop, test, and apply real-time automated video surveillance technologies. (Airport Commission)

10/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Ammiano

To: Director, Department of Public Works

Requesting/Inquiring: Inquiring what plans the Department has to mitigate the recent flooding of City streets.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft legislation to merge the Bureau of Street and Sewer Repair of the Department of the Public Works into the Water Department of the Public Utilities Commission.

From: Supervisor Elsbernd

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To investigate the feasibility of distributing guest parking permits upon approval of residential parking permit applications in neighborhoods throughout the City. The practice was recently undertaken in the Presidio.

In Memoriams

Nolan Frank (Supervisor Gonzalez)

Chester McDufty (Supervisor Maxwell)

Vera Mae Blue (Supervisor Maxwell)

Fong Yu Choy (Supervisor Peskin)

Richard Cedric Marshall (Supervisor Peskin)

The military men and women killed in the Iraq War (Entire Board of Supervisors)

ADJOURNMENT

There being no further business, the Board at the hour of 4:46 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 23, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been

the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
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翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

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Board of Supervisors

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MEETING MINUTES

Tuesday, November 2, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake*

McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisor Sandoval was noted absent.

Quorum present.

Supervisor Sandoval was noted present at 2:08 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve October 5, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

041341 **[Accept-Expend Federal Grant]** **Supervisor Elsbernd**

Resolution authorizing the Department of Child Support Services to accept and expend a grant in the amount of $200,000 from the U.S. Department of Health and Human Services Office of Child Support Enforcement for the Enhanced Parent Involvement Collaboration. (Child Support Services)

Enacted 678-04

Number:
ADOPTED

041344 **[Develop and implement an automated immunization and reminder system in San Francisco, as part of a statewide system]** Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of $31,686 from the California Department of Health Services (CDHS) to enable San Francisco to participate in an automated statewide immunization information system and to enter into an agreement for the use of these funds; for the period of July 1, 2004, to June 30, 2005. (Public Health Department)

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 673-04
ADOPTED

041345 **[Expand treatment capacity for homeless addicts in San Francisco through residential treatment and service coordination and add two positions]** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $499,999 for the third year of a three year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) for the homeless addict vocational and educational network (HAVEN), to enter into an agreement for the use of these funds, and to add two new positions not included in the original grant; for the period of September 30, 2004 to September 29, 2005. (Public Health Department)

Enacted Number: 674-04
ADOPTED

041346 **[State grant to expand homeless services to the mentally ill]** Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH, CBHS) to accept retroactively and expend a grant in the amount of $423,964 from the California Department of Mental Health (CDMH) to expand homeless services to the mentally ill; for the period of July 1, 2004, to June 30, 2005.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 675-04
ADOPTED

Recommendation of the Finance and Audits Committee

041249 [Requiring Graffiti-Resistant Parking and Traffic Control Signs] Supervisors Dufty, Ma, Ammiano, Maxwell, Elsbernd, Alioto-Pier, Peskin, Gonzalez

Ordinance amending Article 3 of the San Francisco Traffic Code by adding Section 51 to require the Department of Parking and Traffic to (1) replace all existing parking and traffic control signs defaced by graffiti with new signs treated with graffiti-resistant sheeting, and (2) install only new parking and traffic control signs treated with graffiti-resistant sheeting.

(Fiscal impact.)

Enacted Number: 273-04

FINALLY PASSED

Recommendations of the Land Use Committee

040145 [Zoning Map Amendment - Second Street between South Park and Townsend Streets] Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Section Map 1H, to change the height and bulk district designations of Assessor's Block 3775, Lots 007 and 008, on the western side of Second Street between South Park and Townsend Streets from 40-X to 65-X, and adopting findings.

Enacted Number: 269-04

FINALLY PASSED

041115 [Changing Official Width of Sidewalk - West side of Lyon Street at Chestnut Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1564 to change the official sidewalk width on the west side of Lyon Street at Chestnut Street; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width

changes.

Enacted Number: 271-04
FINALLY PASSED

Recommendations of the Rules Committee

041242 [Adding the Department on the Status of Women to the Justice Tracking System (JUSTIS) Committee Governance Council] Supervisors Ma, Maxwell, Alioto-Pier, Dufty, Ammiano

Ordinance amending San Francisco Administrative Code Section 2A.85 by adding the Department on the Status of Women as a member of the Justice Tracking System (JUSTIS) Committee Governance Council and authorizing membership to agencies that operate programs integrally related to the criminal justice system.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 272-04
FINALLY PASSED

041244 [Settlement of Lawsuit - Alema Hoskins, et al.]

Ordinance authorizing settlement of the lawsuit filed by Alema Hoskins, a minor, by and through her guardian, Susie McAllister and Jeanell Harris, a minor, by and through her guardian, Inell Manuel against the City and County of San Francisco for $108,000; the lawsuit was filed on January 17, 2003 in San Francisco Superior Court, Case No 416-515; entitled Alema Hoskins, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041250 [Settlement of Lawsuit - Mehran Esmaili, et al.]

Ordinance authorizing settlement of the lawsuit filed by Mehran Esmaili, et al., against the City and County of San Francisco for $49,500; the lawsuit was filed on September 23, 1999, in Santa Clara County Superior Court, Case No. 1-02-CV805070; entitled Mehran Esmaili, et al. v. City of Millbrae, et al.; other material terms of said settlement are: (1) Each party shall mutually release the other from all claims arising from the February/March 2000 landslide that forms the basis of the action; (2) Each party shall dismiss with prejudice all complaints and cross-complaints filed in the action; and (3) Each party shall bear its own legal costs and fees;

PASSED, ON FIRST READING

041340 [Settlement of Lawsuits - Kevin B. Williams]

Ordinance authorizing settlement of the following lawsuits filed by Kevin B. Williams against the City and County of San Francisco: (1) lawsuit filed on or about December 2000 in United States District Court for the Northern District of California, Case No. C00-4728 SI, entitled Kevin Williams v. City and County of San Francisco, et al.; (2) lawsuit filed on or about December 2003 in San Francisco Superior Court, Case No. 503990, entitled Kevin Williams v. City and County of San Francisco; (3) lawsuit filed on or about September 2002 in San Francisco Superior Court, Case No. 411914; entitled Kevin Williams, on behalf of the City and County of San Francisco and himself v. Tutor Saliba, Inc., et al.; material terms of the settlement are that plaintiff dismisses all lawsuits with prejudice, that plaintiff resigns from City employment and forgoes future City employment, that City pays to plaintiff the amount of $120,000, of which approximately $71,243.68 is intended to make up a retirement account shortfall, and that Federal Magistrate Judge is to decide amount of attorneys' fees and costs, based on motion by plaintiff's attorneys, in an amount not to exceed $280,000. (City Attorney)

PASSED, ON FIRST READING

041338 [Settlement of Claim - Shon Escamillo]

Resolution approving the settlement of unlitigated claim of Shon Escamillo against San Francisco for $29,000; claims was filed on June 24, 2003. (City Attorney)

Enacted Number: 676-04

ADOPTED

041339 [Settlement of Claim - Narvette Lewis Deshay]

Resolution approving the settlement of the unlitigated claim filed by Narvette Lewis Deshay against San Francisco for $100,000; claim was filed on October 20, 2003. (City Attorney)

Enacted Number: 677-04

ADOPTED

The Consent Agenda passed by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin

Absent: 1- Sandoval

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to rescind the previous vote.

Motion to rescind the previous vote carried without objection.

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use Committee

041070 **[Zoning - Conditional Use for Change in Use or Demolition of a Movie Theater]**

Supervisors Peskin, McGoldrick, Maxwell, Alioto-Pier, Ammiano, Elsbernd, Gonzalez, Daly

Ordinance amending the Planning Code to add Section 221.1 and to amend sections 703.2, 803.2, and 803.3 to require conditional use authorization for any project involving the change in use or demolition of a movie theater; amending Planning Code section 303 to require specific findings as part of a conditional use authorization for a change in use or demolition of a movie theater; making findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1; making environmental findings; and making the Ordinance inapplicable to uses for which an environmental evaluation application was submitted on or before July 27, 2004.

Enacted Number: 270-04

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, McGoldrick, Peskin

Noes: 1 - Ma
Absent: 1 - Sandoval

041385 **[Street Encroachment at 199 Geary Street - Security Pacific Place]**

Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

Continued to November 16, 2004

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Rules Committee

Supervisor Sandoval noted present at 2:08 p.m.

040989 **[Granting a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America]** **Supervisors McGoldrick, Alioto-Pier, Daly, Ammiano**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12l to grant a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America.

Continued to December 7, 2004

Supervisor Ammiano requested to be added as a co-sponsor.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Finance and Audits Committee

041352 [Lease of City Property for Fair Market Value] Supervisors Daly, Gonzalez, Peskin, Ammiano, Elsbernd, Ma

Ordinance amending San Francisco Administrative Code Sections 23.33 and 23.34 to establish a City policy that City-owned property be leased for fair market value, unless a finding of public policy supports a below-market rate, and requiring all below-market rate leases to be reported to the Board of Supervisors and posted on the City's website, and amending San Francisco Administrative Code Section 23.32 to make certain clarifications.

Supervisors Ammiano, Elsbernd and Ma requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041315 [Head Start Workers] Supervisors Ammiano, Maxwell, Sandoval, Daly

Resolution urging all employers of Head Start workers to respect workers' rights and to honor their workers' decision to join the union of their choice.

Enacted Number: 692-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Land Use Committee

041273 [School Children Crossing Warning Signs] Supervisors Ma, Maxwell, Dufty, Ammiano, Elsbernd

Ordinance requiring all public and private parking lots and facilities, including parking lots maintained by commercial businesses, within 500 feet of Kindergarten through grade 12 school sites to post "Caution - School Children Crossing" signs at all parking lot exits.

Supervisors Ammiano and Elsbernd requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Rules Committee

041356 [Back Streets Business Advisory Board] Supervisors Maxwell, Dufty, Ammiano, Ma

Ordinance adding Sections 5.260 through 5.265 of the Administrative Code, to create a Back Streets Business Advisory Board, comprised of nine voting members, eight appointed by the Board of Supervisors and one appointed by the Small Business Commission, and non-voting members representing various organs of government; to require the advisory board within nine months of its initial meeting to submit a report to the Board of Supervisors on matters pertaining to Back Streets businesses; to require the Board of Supervisors or a Board committee to hold a hearing on the report; to authorize the advisory board to submit other reports to the Board of Supervisors and to communicate with the Board of Supervisors, the Small Business Commission, other governmental entities, the business community, and the public on matters pertaining to Back Streets businesses; and to provide for the sunsetting of the advisory board in two years.

Supervisors Ammiano and Ma requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; Presidential election

Member of the Commission on the Status of Women; urging the support Item 29

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041498 **[Accept-Expend Grant funds for the 16th Street Pavement/Valencia Street Pavement Renovation Projects]** Supervisors Ammiano, Dufty, Daly

Resolution authorizing the Director of the Department of Public Works to accept and expend federal Surfacing Transportation Program funds totaling $5,346,000 for the 16th Street Pavement Renovation Project and the Valencia Street Pavement Renovation Project.

Enacted Number: 680-04
ADOPTED

041499 **[Commending St. Anne's Church on its 100th Birthday]** Supervisors Elsbernd, Gonzalez, Ma, McGoldrick, Dufty, Ammiano

Resolution commending St. Anne's Church on its 100th Birthday.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 681-04
ADOPTED

041500 **[Accept-Expend Federal Grant]** Supervisors Alioto-Pier, Dufty

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $742,108 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) for the purpose of restructuring the existing JUSTIS architecture strategy and upgrading infrastructure components utilized for citywide criminal justice processes, that will provide criminal justice criminal justice agencies and the public, with varying degrees of criminal justice information.

Enacted Number: 682-04
ADOPTED

041501 **[Accept-Expend Federal Grant]** Supervisors Ma, Dufty

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $599,102 from the Office of Justice Programs (OJP), Office of Violence Against Women (OVW) for the purpose of encouraging policies that treat domestic violence and sexual assault as serious violations of criminal law.

Enacted Number: 683-04

ADOPTED

041502 **[End Racial Profiling Act of 2004]** **Supervisors Ma, Ammiano**

Resolution urging the San Francisco Congressional delegation to support H.R. 3847, prohibiting racial profiling.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 688-04

ADOPTED

041503 **[Raise Reward to $50,000 for Tari Ramirez]** **Supervisor Ma**

Resolution urging the Mayor to build a citywide response to end domestic violence by raising the reward for apprehending Tari Ramirez from $35,000 to $50,000.

Enacted Number: 690-04

ADOPTED

041504 **[Commending the California Lawyers for the Arts]** **Supervisors Ma, Dufty, Ammiano**

Resolution commending the 30th Anniversary of the California Lawyers for the Arts.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 684-04

ADOPTED

041439 **[Final Map for a 174 Unit Residential / Commercial Condominium Project - 199 New Montgomery Street]**

Motion approving Final Map of 199 New Montgomery Street, A Residential / Commercial Condominium Project, being a subdivision of Lot 21 in Assessor's Block No. 3722, and adopting findings pursuant to Planning Code Section 101.1.

(DPW Order No 175,052; District 6.)

Enacted Number: M04-118

APPROVED

041440 **[Final Map for a 114 Unit Mixed Use**

Condominium Project - 88 Townsend Street]

Motion approving Final Map of 88 Townsend Street, A Mixed Use Condominium Project, being a subdivision of Lot 857 in Assessor's Block No. 3789, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,064; District 6.)

Enacted Number: M04-119

APPROVED

041506 [Commending Monroe Elementary School] Supervisors Sandoval, Ammiano

Resolution commending Monroe Elementary School for winning the San Francisco Beautiful 2004 Beautification Award.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 685-04

ADOPTED

041507 [United Nations Millennium Development Goals] Supervisor Peskin

Resolution Supporting the United Nations Millennium Development Goals.

Enacted Number: 686-04

ADOPTED

041508 [Plan and community engagement for a possible co-located Eureka Valley Harvey Milk Memorial Branch Library and Museum and Archives of the GLBT Historical Society] Supervisors Dufty, Ammiano, Maxwell, Ma, Alioto-Pier, Gonzalez, Daly, Peskin, Elsbernd

Resolution encouraging development of a plan and community engagement for a possible co-located Eureka Valley Harvey Milk Memorial Branch Library and Museum and Archives of the Gay, Lesbian, Bisexual, Transgender (GLBT) Historical Society.

Enacted Number: 687-04

ADOPTED

041509 [Zoning - Extension of Planning Commission Review Period] Supervisor Peskin

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to prohibit formula retail uses in the North Beach Neighborhood Commercial District.

Enacted Number: 691-04
ADOPTED

041485 **[Needle Exchange Emergency]** **Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M04-120
APPROVED

041486 **[Emergency Declaration Concurrence - Influenza Vaccine]** **Mayor, Supervisors Dufty, Ammiano**

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: M04-121
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed From Without Committee Reference

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

041491 **[Multifamily Housing Revenue Bonds]** **Supervisor Peskin**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $19,200,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action

heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related matters.

Supervisor Peskin, seconded by Supervisor Elsbernd, moved an amendment of the whole.

Supervisor Peskin, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $19,200,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of a first amendment to ground lease; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related matters.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

041505 **[Setting the policy of the Board to hold meetings in each district]** Supervisor Sandoval

Motion setting the policy of the Board to convene one meeting in each of the eleven districts per month, annually.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved to refer this matter to Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REFERRED to the Rules Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Peskin, moved ADOPTION of the Commendatory Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Peskin, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041549 **[St. James Infirmary Health Day in San Francisco]** **Supervisors Daly, Peskin, Dufty**

Resolution proclaiming November 13, 2004 as St. James Infirmary Health Day in San Francisco.

Enacted Number: 689-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041535 **[General Plan Amendments Concerning Hunters Point Shipyard Redevelopment Plan]** Mayor, Supervisor Maxwell

Ordinance amending the San Francisco General Plan to make the General Plan consistent with the Hunters Point Shipyard Redevelopment Plan, and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

11/2/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/2/2004. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041536 **[Creating a graduated code compliance plan for non-residential buildings at naval bases transferred to the City, the Redevelopment Agency, or the Treasure Island Development Authority]** Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 3409 to provide that building and structures located on the Naval Station Treasure Island (including Yerba Buena Island) and Hunters Point Naval Shipyard may comply with the requirements of the Building Code in a graduated manner over a period not to exceed seven years provided that: the buildings or structures were in existence at the time the bases were selected for closure, the Director of the Department of Building Inspection and the Fire Marshal determine that the buildings or structures are safe for their intended use and occupancy, the buildings or structures have been leased or transferred by the Federal Government to the City, the Redevelopment Agency, or the Treasure Island Development Authority, and the buildings or structures meet the code compliance inspection and graduated compliance plan requirements specified, to authorize the Department of Building Inspection and the Fire Department to charge the Redevelopment Agency or the City fees for time and materials expended in responding to requests for inspection and performing other tasks associated with the graduated compliance plan program, and to provide that this Section shall not go into effect until the graduated compliance plan has been filed with the California Building Standards Commission and shall remain in effect until January 1, 2007 or until seven years after the lease or transfer of buildings or structures subject to this Section, as long as that lease or transfer occurs prior to January 1, 2007, unless a state statute deletes or extends the time period for a local agency to operate under a graduated code compliance plan under California Health and Safety Code Section 18941.9 and making environmental findings.

11/2/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/2/2004. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members. 12/2/04 - Determination from Planning that a review concerning CEQA is not required.

041538 **[Hunters Point Shipyard - Public Works Code]** Mayor, Supervisor Maxwell

Ordinance amending the Public Works Code to add Sections 2.3.1, 2.3.2, 2.3.3 to establish special restrictions for activities on the Hunters Point

Shipyard to address potential residual contamination and making specified findings.

11/2/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/2/2004. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041539 [Zoning Map Amendment in connection with Hunters Point Redevelopment Project Area] — Mayor, Supervisor Maxwell

Ordinance amending Zoning Map Sheets 9 and 9H of the City and County of San Francisco to eliminate use districts and height and bulk districts within Assessor's Block 4591A, the Hunters Point Redevelopment Plan area, and instead reference the Hunters Point Shipyard Redevelopment Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

11/2/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/2/2004. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041540 [Hunters Point Shipyard - Building Code] — Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 106.3.2.5 to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and making environmental findings.

11/2/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/2/2004. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041541 [Hunters Point Shipyard - Health Code] — Mayor, Supervisor Maxwell

Ordinance adding Article 31 to the Health Code and amending sections 659, 1120.1 and 1227 of the Health Code to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and to authorize the Department of Public Health to implement these restrictions, impose penalties, and charge fees to defray the costs of implementation; and making environmental findings.

11/2/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/2/2004. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041543 [Hunters Point Shipyard - Street Vacation Order] — Mayor, Supervisor Maxwell

Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Earl Street in Hunters Point Shipyard Parcel "A-1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters

Point Shipyard Parcel "A-2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, and the City; accepting Department of Public Works Order No. _____; and authorizing official acts in connection with this Ordinance.

11/2/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041544 **[Hunters Point Shipyard - Subdivision Code]** Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Subdivision Code by adding the Hunters Point Shipyard Subdivision Code, Division 3, Article 1-8, Sections 1600 et seq. and making environmental findings.

11/2/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/2/2004. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041545 **[Reenacting a Disadvantaged Business Enterprise Program]** Supervisors Ammiano, Ma

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

11/2/04, ASSIGNED to Board of Supervisors. November 23, 2004

041551 **[Settlement of Lawsuit - People v. Dynegy, et al.]** Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Duke Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; the settlement provides $500,000 to San Francisco to be used for energy efficiency, renewable energy or environmental justice projects in areas affected by electric generation in San Francisco and $172 million in benefits to California electric ratepayers, among other provisions.

11/2/04, RECEIVED AND ASSIGNED to Rules Committee.

041554 **[Amending Health Code Section 42.3 to authorize hearing officer to prohibit** owner of a **dog declared vicious and dangerous from owing** Supervisor Dufty

dogs for three years]

Ordinance amending San Francisco Health Code Section 42.3, to add the authority of a hearing officer to prohibit the owner of a vicious dog from owning dogs for a period of three years.

11/2/04, RECEIVED AND ASSIGNED to City Services Committee.

041555 [Creating requirement to exchange identification information when dog involved in bite of human or animal] — Supervisor Dufty

Ordinance amending San Francisco Health Code by adding Section 39 to create requirement of exchange of identification and rabies information after a dog bites a human or animal and by amending Section 41.11 by moving requirement of dog bite reporting to Section 39.

11/2/04, RECEIVED AND ASSIGNED to City Services Committee.

Resolutions

041532 [Approval of Ground Lease and Acceptance of Easements] — Supervisor Ma

Resolution approving a ground lease between the City of Hayward, as landlord, and the City and County of San Francisco and East Bay Municipal Utility District, as tenants, for the construction, use and operation of an emergency pump station/intertie facility at the Hayward Executive Airport, authorizing acceptance of two easements related to the pump station/intertie facility, and adopting findings pursuant to the California Environmental Quality Act.

11/2/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041533 [CEQA Findings in Connection with the Hunters Point Shipyard Redevelopment Plan] — Mayor, Supervisor Maxwell

Resolution adopting environmental findings pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with the Hunters Point Shipyard Redevelopment Plan and related implementing actions.

11/2/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041534 [Urging the Planning Commission to Recommend Amendments to the General Plan Concerning The Hunters Point Shipyard Redevelopment Plan] — Mayor, Supervisor Maxwell

Resolution Urging the Planning Commission to Recommend Amendments to the General Plan to make the General Plan consistent with the Hunters Point Shipyard Redevelopment Plan.

11/2/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041537 **[Hunters Point Shipyard Joint Community Facilities Agreement]** Mayor, Supervisor Maxwell

Resolution approving and authorizing a Joint Community Facilities Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco in furtherance of the adoption and implementation of the Redevelopment Plan for the Hunters Point Shipyard, specifically the Hunters Point Phase One Improvements, and making environmental findings.

11/2/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041542 **[Hunters Point Shipyard- Resolution of Intent for Street Vacation]** Mayor, Supervisor Maxwell

Resolution declaring the intention of the Board of Supervisors to vacate portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Earl Street in Hunters Point Shipyard Parcel "A-1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A-2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; setting the hearing date for all persons interested in the proposed vacation of said street areas and public service easements.

11/2/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/02/04 - Copies of the Final Environmental Impact Report and related documents distributed to Board members.

041550 **[Increasing civil filing and appearance fees provided in Business and Professions Code for operation of the Law Library]** Mayor

Resolution increasing civil filing and appearance fees provided in Business and Professions Code sections 6321, 6322 and 6322.1 for operation of the Law Library.

11/2/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041556 **[Parking Regulations - Fitzgerald Avenue]** Supervisor Maxwell

Resolution enacting and rescinding parking regulations on the 1200 block of Fitzgerald Avenue.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - RESCIND
Fitzgerald Avenue, north side, from Jennings Street to Ingalls Street.
11/2/04, RECEIVED AND ASSIGNED to Land Use Committee.

041557 [Commending Jack Breslin] Supervisor Dufty

Resolution commending Jack Breslin of the Department of Public Health for his 33 years of service to the City of San Francisco.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041559 [Zoning - Extension of Planning Commission Review Period] Supervisor Elsbernd

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to provide for an increase in the height exemption for elevator penthouses from 10 feet to 16 feet.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041560 [American Indian Heritage Month] Supervisor Ma

Resolution declaring November 2004 as "American Indian Heritage Month" in the City and County of San Francisco.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041561 [Apply, accept and expend of a State grant for the Visitacion Valley Greenway] Supervisor Maxwell

Resolution authorizing the Recreation and Park Department to apply, accept and expend a grant in the total amount of $102,000 under the Federal Land and Water Conservation Fund for the Visitacion Valley Greenway.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041548 [Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A;

providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

11/2/04, ASSIGNED to Board of Supervisors. Pursuant to File 041547, Board to sit as a Committee of the Whole November 23, 2004, at 4:00 p.m.

041553 **[Transfer of the Tenderloin Self-Help Center contract from DPH to DHS]** Supervisor Ammiano

Hearing to inquire into the transfer of the Tenderloin Self-Help Center contract from the Department of Public Health (DPH) to the Department of Human Services (DHS) about the following concerns: (1) Reduction of low-threshold, peer-based, self-help program serving mentally ill and chronically homeless people in the Tenderloin. (2) Process used in making this decision, including the community impact assessment and community input process. (3) Impact the change in program model and services will have on the community clients. (4) Justification of this decision as it relates to the City's overall plan for providing care to chronically homeless and mentally ill people who do not/cannot access traditional programs and services. (5) Budgetary impact of changes in program design as mandated by the RFP and budgetary justification for moving this contract from DPH Community Health Services to DHS Homeless Programs.

11/2/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Motions

041530 **[Needle Exchange Emergency]** Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041531 **[Emergency Declaration Concurrence - Influenza Vaccine]** Mayor

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041546 **[Emergency Disadvantaged Business Enterprise** Supervisor Ammiano

Program - Suspending 30 Day Rule]

Motion suspending Rule 5.40 of the Rules of Order of the Board of Supervisors to allow the Board of Supervisors to consider, without waiting 30 days after its introduction, a proposed emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041547 **[Emergency Disadvantaged Business Enterprise Program - November 23 Committee of the Whole]** **Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on November 23, 2004, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041552 **[Legislative Analyst Request -Establishing a Sports Commission in the City and County of San Francisco]** **Supervisor Ma**

Motion requesting the Legislative Analyst to research and prepare an in-depth report on model municipalities with respect to establishing a Sports Commission in the City and County of San Francisco.

11/2/04, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 16, 2004. Supervisor Ma requests an in-depth report to be delivered as soon as possible.

041558 **[Controller to provide bi-monthly updates on progress implementing the City's ordinance requiring bar-coding or other means to track the permit approval process with the Department of** **Supervisor Dufty**

Motion requesting the Controller to provide bi-monthly updates on progress implementing the City's ordinance requiring bar-coding or other means to track the permit approval process with the Department of Building Inspection.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041562 **[Report for Interim Moratorium on Demolition of** **Supervisor McGoldrick**

Single-and Dual-Screen Movie Theaters]

Motion adopting and issuing the Legislative Analyst report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on demolition on single-and dual-screen movie theaters.

11/2/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

041442 **[Settlement of Lawsuit - Andrew King v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Andrew King against the City and County of San Francisco for $60,000; the lawsuit was filed on 10/31/03 in United States District Court, Case No. C03-4879; entitled Andrew King v. City and County of San Francisco, et al. (City Attorney)

10/25/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041431 **[Provide car seats and information to hard to reach and diverse communities]** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $2,000 from the California Department of Health Services (CDHS), to purchase car/booster seats; for the period of January 12, 2004 through June 4, 2004. (Public Health Department)

10/21/04, RECEIVED AND ASSIGNED to City Services Committee.

041432 **[Accept-Expend Federal Grant]** Supervisor Ma

Resolution authorizing the San Francisco Fire Department (SFFD) to accept and expend a grant in the amount of $398,548 from the Federal Emergency Management Agency (FEMA) to acquire wildland firefighting protective clothing and equipment. (Fire Department)

10/19/04, RECEIVED AND ASSIGNED to City Services Committee. Grant expiration date: 7-29-05.

041441 **[Approval of the Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]** Supervisor Dufty

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2004-2005. (Public Health Department)

10/22/04, RECEIVED AND ASSIGNED to City Services Committee.

Supervisor Dufty requested to be added as sponsor.

041443 **[Settlement of Claim - Barbara Miller]**

Resolution approving the settlement of the unlitigated claim filed by Barbara Miller against San Francisco for $90,000; claim was filed on April 19, 2004. (City Attorney)

10/25/04, RECEIVED AND ASSIGNED to Rules Committee.

041444 **[Settlement of Unlitigated Claim - Margaret Jhin-Walsh]**

Resolution approving the settlement of the unlitigated claim filed by Margaret Jhin-Walsh against San Francisco for $120,000; claim was filed on February 17, 2004. (City Attorney)

10/25/04, RECEIVED AND ASSIGNED to Rules Committee.

041480 **[Settlement of Unlitigated Claim - D. W. Nicholson Corporation]**

Resolution approving the settlement of the unlitigated claim filed by D. W. Nicholson Corporation against the City and County of San Francisco. (City Attorney)

10/25/04, RECEIVED AND ASSIGNED to Rules Committee.

041525 **[Settlement of Unlitigated Claim - Muzak LLC]**

Resolution approving the settlement of the unlitigated claim filed by Muzak LLC against the City and County of San Francisco. (City Attorney)

10/25/04, RECEIVED AND ASSIGNED to Rules Committee.

041526 **[Settlement of Unlitigated Claim - Intel Corporation]**

Resolution approving the settlement of the unlitigated claim filed by Intel Corporation against the City and County of San Francisco. (City Attorney)

10/25/04, RECEIVED AND ASSIGNED to Rules Committee.

Requested Granted

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to amend the San Francisco Police Code to require that junk dealers obtain yearly permits and to attach additional conditions to the permits.

From: Supervisor Ma

To: City Attorney

Requesting/Inquiring: To draft legislation creating a Sports Commission in the City and County of San Francisco.

From: Supervisor Ammiano

To: Director, Mayor's Budget Office

To: Director, Department of Public Health Community Health Services

To: Director, Department of Human Services Homeless Programs

Requesting/Inquiring: To notify the Directors of the Mayor's Budget Office, Department of Public Health Community Health Services and Department of Human Services Homeless Programs that committee hearing has been called to consider the transfer of the Tenderloin Self-Help Center Contract from the Department of Public Health to the Department of Human Services and will be scheduled before the Finance and Audits Committee in the near future. The parameters of the hearing will be as follows:

1. Reduction of a low-threshold, peer-based, self-help program serving mentally ill and chronically homeless people in the Tenderloin.

2. Process used in making this decision, including the community impact assessment and community input process.

3. Impact the change in program model and services will have on the community and clients.

4. Justification of this decision as it relates to the City's overall plan for providing care to chronically homeless and mentally ill people who do not/cannot access traditional programs and services.

5. Budgetary impact of changes in program design as mandated by the RFP and budgetary justification for moving this contract from DPH Community Health Services to DHS Homeless Programs.

In memoriams

Wilford Rose (Entire Board)

Vernon Jenkins (Entire Board)

Curt Rocha (Supervisor Dufty)

Joseph Antonini (Supervisors Dufty, Elsbernd, Ma, Alioto-Pier, Maxwell)

Brian Patrick Kevin Fordyce (Supervisors McGoldrick, Elsbernd)

ADJOURNMENT

There being no further business, the Board at the hour of 2:38 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 7, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.
Requests for language translation at a meeting must be received no later than noon

the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability access

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The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
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Board of Supervisors

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MEETING MINUTES

Tuesday, November 16, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Sophie Maxwell, Aaron Peskin, Gerardo Sandoval.*

Members Excused: *Fiona Ma, Jake McGoldrick.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll Supervisors Ma and McGoldrick were noted absent.

Quorum present.

Supervisors Ma and McGoldrick were excused from attending today's meeting. (See Infra)

Supervisors Ma and McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to excuse Supervisors Ma and McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve October 19, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

041100 **[Liquor License Transfer, 119 Sacramento Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 38th and Clement Golf Course to

119 Sacramento Street (District 3) to David D. Davari for Focaccia Market and Bakery will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 693-04
ADOPTED

041305 [Liquor License, 965 Mission Street, Suite 160]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Steve Kahn, for Fronterra LLC at the Off-Market Theaters, located at 965 Mission Street, Suite 160 (District 6), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 696-04
ADOPTED

041431 [Provide car seats and information to hard to reach and diverse communities] Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $2,000 from the California Department of Health Services (CDHS), to purchase car/booster seats; for the period of January 12, 2004 through January 30, 2005. (Public Health Department)

Enacted Number: 697-04
ADOPTED

041432 [Accept-Expend Federal Grant] Supervisor Ma

Resolution authorizing the San Francisco Fire Department (SFFD) to accept and expend a grant in the amount of $398,548 from the Federal Emergency Management Agency (FEMA) to acquire wildland firefighting protective clothing and equipment. (Fire Department)

Enacted Number: 698-04
ADOPTED

Recommendation of the Finance and Audits Committee

041352 [Lease of City Property for Fair Market Value] Supervisors Daly, Gonzalez, Peskin, Ammiano, Elsbernd, Ma

Ordinance amending San Francisco Administrative Code Sections 23.33 and 23.34 to establish a City policy that City-owned property be leased for fair market value, unless a finding of public policy supports a below-market rate, and requiring all below-market rate leases to be reported to the Board of Supervisors and posted on the City's website, and amending San Francisco Administrative Code Section 23.32 to make certain clarifications.

Enacted Number: 278-04
FINALLY PASSED

Recommendation of the Land Use Committee

041273 [School Children Crossing Warning Signs] Supervisors Ma, Maxwell, Dufty, Ammiano, Elsbernd

Ordinance requiring all public and private parking lots and facilities, including parking lots maintained by commercial businesses, within 500 feet of Kindergarten through grade 12 school sites to post "Caution - School Children Crossing" signs at all parking lot exits.

Enacted Number: 276-04
FINALLY PASSED

Recommendations of the Rules Committee

041244 [Settlement of Lawsuit - Alema Hoskins, et al.]

Ordinance authorizing settlement of the lawsuit filed by Alema Hoskins, a minor, by and through her guardian, Susie McAllister and Jeanell Harris, a minor, by and through her guardian, Inell Manuel against the City and County of San Francisco for $108,000; the lawsuit was filed on January 17, 2003 in San Francisco Superior Court, Case No 416-515; entitled Alema Hoskins, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 274-04
FINALLY PASSED

041250 [Settlement of Lawsuit - Mehran Esmaili, et al.]

Ordinance authorizing settlement of the lawsuit filed by Mehran Esmaili, et al., against the City and County of San Francisco for $49,500; the lawsuit was filed on September 23, 1999, in Santa Clara County Superior Court, Case No. 1-02-CV805070; entitled Mehran Esmaili, et al. v. City of Millbrae, et al.; other material terms of said settlement are: (1) Each party shall mutually release the other from all claims arising from the February/March 2000 landslide that forms the basis of the action; (2) Each party shall dismiss with prejudice all complaints and cross-complaints filed in the action; and (3) Each party shall bear its own legal costs and fees;

Enacted Number: 275-04

FINALLY PASSED

041340 [Settlement of Lawsuits - Kevin B. Williams]

Ordinance authorizing settlement of the following lawsuits filed by Kevin B. Williams against the City and County of San Francisco: (1) lawsuit filed on or about December 2000 in United States District Court for the Northern District of California, Case No. C00-4728 SI, entitled Kevin Williams v. City and County of San Francisco, et al.; (2) lawsuit filed on or about December 2003 in San Francisco Superior Court, Case No. 503990, entitled Kevin Williams v. City and County of San Francisco; (3) lawsuit filed on or about September 2002 in San Francisco Superior Court, Case No. 411914; entitled Kevin Williams, on behalf of the City and County of San Francisco and himself v. Tutor Saliba, Inc., et al.; material terms of the settlement are that plaintiff dismisses all lawsuits with prejudice, that plaintiff resigns from City employment and forgoes future City employment, that City pays to plaintiff the amount of $120,000, of which approximately $71,243.68 is intended to make up a retirement account shortfall, and that Federal Magistrate Judge is to decide amount of attorneys' fees and costs, based on motion by plaintiff's attorneys, in an amount not to exceed $280,000. (City Attorney)

Enacted Number: 277-04

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

Severed From Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

041356 **[Back Streets Business Advisory Board]** **Supervisors Maxwell, Dufty, Ammiano, Ma**

Ordinance adding Sections 5.260 through 5.265 of the Administrative Code, to create a Back Streets Business Advisory Board, comprised of nine voting members, eight appointed by the Board of Supervisors and one appointed by the Small Business Commission, and non-voting members representing various organizations of government; to require the advisory board within nine months of its initial meeting to submit a report to the Board of Supervisors on matters pertaining to Back Streets businesses; to require the Board of Supervisors or a Board committee to hold a hearing on the report; to authorize the advisory board to submit other reports to the Board of Supervisors and to communicate with the Board of Supervisors, the Small Business Commission, other governmental entities, the business community, and the public on matters pertaining to Back Streets businesses; and to provide for the sunsetting of the advisory board in two years.

Enacted Number: 279-04

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 2 - Ma, McGoldrick

UNFINISHED BUSINESS

REGULAR AGENDA

From the Finance and Audits Committee "Without Recommendation"

040973 **[Official Advertising - Type 2 non-consecutive day official advertising]**

Resolution designating the San Francisco Chronicle to be the official newspaper of the City and County of San Francisco for the category of Type

2 non-consecutive day official advertising, for the period commencing July 1, 2004 and ending June 30, 2005. (Purchaser)

Enacted Number: 703-04

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 2 - Ma, McGoldrick

Recommendation of the Land Use Committee

041385 **[Street Encroachment at 199 Geary Street - Security Pacific Place]**

Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

Continued to December 7, 2004

Supervisor Peskin, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

NEW BUSINESS

Recommendations of the City Services Committee

041308 **[Regulating the Distribution of Handbills]** Supervisor Ma

Ordinance amending Article 5.7 of the Public Works Code by repealing section 184.71, which required persons distributing handbills to register and pay fees, amending section 184.73 to make violation of the ordinance an infraction instead of a misdemeanor, amending section 184.74 to permit the City to recover costs incurred in cleaning up handbills distributed in violation of the ordinance and to impose civil penalties for violations, and by renumbering sections 184.71 through 184.77.

Continued to November 23, 2004

Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

041129 **[Liquor License Transfer, Northeast Corner of Broderick and Oak Streets]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 2055 McAllister to the Northeast corner of Broderick and Oak Streets (District 5) to James L. Falletti for Falletti & Baldocchi Finer Foods, Inc., dba Falletti Foods, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 695-04

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

Recommendations of the Land Use Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

030667 **[Domestic Partner and Family Protection Rent Ordinance]** **Supervisors Gonzalez, Daly, Peskin, Ammiano**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9 to prohibit evictions from rent-controlled units based solely on the addition of an existing tenant's child, parent, grandchild, grandparent, brother or sister, or the spouse or domestic partner (as defined in Administrative Code Sections 62.1 through 62.8) of such relatives, or for the addition of the spouse or domestic partner of a tenant, where a pre-existing rental agreement or lease limits the number of occupants or limits or prohibits subletting or assignment and where the landlord has unreasonably refused the tenant's written request to add such occupant(s), unless the total number of occupants exceeds two persons per studio rental unit, three per one-bedroom unit, four per two-bedroom unit, six per three-bedroom unit

or eight per four-bedroom unit, or unless this total would exceed the number of occupants permitted under state law and/or other local codes (e.g., Planning, Housing, Fire and Building Codes) [Section 37.9(a)(2)]; and expressing the intent of the Board of Supervisors that the Rent Board Rules and Regulations regarding subletting consent procedures be substantially applied to this legislation (but modified to address the family situations that are the subject of this legislation).

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 2 - Ma, McGoldrick

041353 **[Encouraging Condominium Conversions Where Tenants Are Not Displaced]** Supervisor Daly

Ordinance amending the Subdivision Code by repealing portions of Sections 1302, 1308, 1359, 1388, 1396, and 1396.1; by repealing Section 1316 in its entirety; amending Section 1359 to delete the exception for certain two-unit buildings; and by amending Section 1396.1 to give preference in the condominium lottery to buildings where certain evictions have not taken place.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

Recommendations of the Rules Committee

041449 **[Establishing a Shelter Monitoring Committee]** Supervisors Gonzalez, Alioto-Pier

Ordinance adding Article XII to Article 20 of the San Francisco Administrative Code to establish a Shelter Monitoring Committee to monitor and report on homeless shelters funded in whole or in part by the City.

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this **Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.** The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 2 - Ma, McGoldrick

041111 **[Appointment - Assessment Appeals Board No. 1]**

Resolution appointing Peter Fatooh and Carol Ruth Silver to the Assessment Appeals Board No. 1 for a three-year term ending September 3, 2007.

Peter Fatooh, succeeding himself, term expiring September 6, 2004, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows:Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007. Carol Ruth Silver, succeeding Thomas Ramm, term expiring September 6, 2004, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows:Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board for a three-year term ending September 3, 2007.

Enacted Number: 694-04

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

041199 **[Public Hearing - Appeal of Categorical Exemption - 2404 Broadway Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 3, 2004, Case No. 2004.0406E, approving the proposed project to vertically and horizontally expand an existing three-story-over-basement Colonial Revival house located at 2404 Broadway Street, Assessor's Block 562, Lot 4. (Appellants: Suzanne and Francoise

Antounian, represented by their attorneys, G. Scott Emblidge and Rebecca Bedwell-Coll of Moscone, Emblidge & Quadra, LLP.)

(Filed August 18, 2004; companion measure to Files 041200, 041201, 0411202; District 3.)

Continued to November 23, 2004

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041200 **[Affirming the categorical exemption issued for 2404 Broadway Street]**

Motion affirming the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 23, 2004

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

041201 **[Disapproving the categorical exemption issued for 2404 Broadway Street]**

Motion disapproving the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 23, 2004

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

041202 **[Preparation of findings related to the categorical exemption issued for 2404 Broadway Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California environmental Quality Act. (Clerk of the Board)

Continued to November 23, 2004

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

SPECIAL ORDER 4:30 P.M

041275 **[Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

Continued to December 14, 2004

CONTINUED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041276 [Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 14, 2004

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

041277 [Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 14, 2004

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

041278 [Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 14, 2004

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; homeless issues

Jackie Bronson; Emergency Winter Shelter program

Rodney; general issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

041552 **[Legislative Analyst Request -Establishing a Sports Commission in the City and County of San Francisco]** **Supervisor Ma**

Motion requesting the Legislative Analyst to research and prepare an in-depth report on model municipalities with respect to establishing a Sports Commission in the City and County of San Francisco.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041557 **[Commending Jack Breslin]** **Supervisor Dufty**

Resolution commending Jack Breslin of the Department of Public Health for his 33 years of service to the City of San Francisco.

Enacted Number: 699-04
ADOPTED

041559 **[Zoning - Extension of Planning Commission Review Period]** **Supervisor Elsbernd**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the

Planning Code to provide for an increase in the height exemption for elevator penthouses from 10 feet to 16 feet.

Enacted Number: 700-04
ADOPTED

041560 **[American Indian Heritage Month]** Supervisor Ma

Resolution declaring November 2004 as "American Indian Heritage Month" in the City and County of San Francisco.

Enacted Number: 701-04
ADOPTED

041561 **[Apply, accept and expend of a State grant for the Visitacion Valley Greenway]** Supervisor Maxwell

Resolution authorizing the Recreation and Park Department to apply, accept and expend a grant in the total amount of $102,000 under the Federal Land and Water Conservation Fund for the Visitacion Valley Greenway.

Enacted Number: 702-04
ADOPTED

041530 **[Needle Exchange Emergency]** Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M04-122
APPROVED

041531 **[Emergency Declaration Concurrence - Influenza Vaccine]** Mayor

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

Enacted Number: M04-123
APPROVED

041546 [Emergency Disadvantaged Business Enterprise Program - Suspending 30 Day Rule] Supervisor Ammiano

Motion suspending Rule 5.40 of the Rules of Order of the Board of Supervisors to allow the Board of Supervisors to consider, without waiting 30 days after its introduction, a proposed emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Enacted Number: M04-124

APPROVED

041547 [Emergency Disadvantaged Business Enterprise Program - November 23 Committee of the Whole] Supervisor Ammiano

Motion for the Board of Supervisors to convene as a committee of the whole on November 23, 2004, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Enacted Number: M04-125

APPROVED

041558 [Controller to provide bi-monthly updates on progress implementing the City's ordinance requiring bar-coding or other means to track the permit approval process with the Department of Supervisor Dufty

Motion requesting the Controller to provide bi-monthly updates on progress implementing the City's ordinance requiring bar-coding or other means to track the permit approval process with the Department of Building Inspection.

Enacted Number: M04-126

APPROVED

041562 [Report for Interim Moratorium on Demolition of Single-and Dual-Screen Movie Theaters] Supervisor McGoldrick

Motion adopting and issuing the Legislative Analyst report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on demolition on single-and dual-screen movie theaters.

Enacted Number: M04-127

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval
Excused: 2 - Ma, McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041570 [Conflict of Interest Code Amendments] Supervisor Gonzalez

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-109, 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-170, 3.1-175, 3.1-195, 3.1-205, 3.1-218, 3.1-230, 3.1-245, 3.1-265, 3.1-270, 3.1-275, 3.1-280, 3.1-285, 3.1-310, 3.1-315, 3.1-325, 3.1-335, 3.1-340, 3.1-345, 3.1-350, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-410, 3.1-420, 3.1-430, 3.1-435, and 3.1-440; deleting sections 3.1-255 and 3.1-268; and adding section 3.1-222 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

11/16/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/16/2004.

041571 [Chapter 6 Technical Amendments] Supervisors Ma, Peskin

Ordinance amending San Francisco Administrative Code Chapter 6 to update section 6.2, to add new section 6.9 concerning subcontractor limitation of rights, to add new subsection 6.20(F) for a bidder prequalification process, to add new subsection 6.21(A)(10) to allow a specification requirement for contractor work with its own forces, to revise subsection 6.21(C) to allow a department head to reject all bids, to revise subsection 6.22(J) concerning retention of progressive payments, to add a new subsection 6.22(Q) concerning public work contract claims, to revise section 6.41 concerning subsequent phase competition for design services, to revise section 6.60 emergency contracting procedures, to revise section 6.61 design-build contracting procedures, to revise section 6.62 job order contracting procedures, to revise 6.64 as-needed contracting procedures, and to revise section 6.65 special service contracting procedures.

11/16/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/16/2004.

041577 [Clarifications and Technical Corrections to Work Practices Program for Lead-Based Paint Supervisor Peskin

Disturbance and Removal]

Ordinance amending Section 3407 et seq. of the Building Code, to amend the definitions of Clearance Inspection, Containment and Barrier Systems, and Prohibited Practices; to clarify scope of prohibitions on the removal or disturbance of lead-based paint; to specify the type of covering required prevent contamination by lead debris; to specify where signs noticing lead work must be posted, to make further minor technical corrections to the work practices program for lead-based paint disturbance and removal; and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

11/16/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 12/16/2004.

041579 **[Charter Amendment Deadlines]** **Supervisor Elsbernd**

Ordinance amending Section 305 of the Elections Code to require introduction of proposed Charter Amendments not less than 210 days prior to an election and to require an informational committee hearing regarding the proposed Charter Amendment no earlier than 30 days nor later than 60 days after introduction of the proposed Charter Amendment.

11/16/04, RECEIVED AND ASSIGNED to Rules Committee.

041580 **[Authorizing Controller to eliminate positions of laid off employees from the budget in order to expedite offers of Early Retirement Benefits and mitigate the effect of layoffs]** **Supervisor Elsbernd**

Ordinance to effect a supplemental change to the budget by directing Department Heads to certify positions eliminated as a result of budget constraints and authorizing the Controller to identify the date of expiration of funding in the budget for such positions in order to expedite offers of Early Retirement Benefits and mitigate the effect of layoffs.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee. 11/29/04: Notified Dept. heads, the Controller's Office and Retirement Board of Dec. 2 Budget Committee meeting.

041583 **[Appropriate fund balance for the Port of San Francisco's Pier 35 Security Enhancements Project (Port's Cruise Ship Terminal)]** **Mayor**

Ordinance appropriating $998,349 of unappropriated fund balance from the Port for the Pier 35 Security Enhancement Project, the Port's Cruise Ship Terminal, to fund the second phase of the construction contract for Fiscal Year 2004-05.

(Fiscal impact.)

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041584 **[Appropriate settlement funds to fund the development costs associated with the San Francisco Electrical Reliability Project]** **Mayor**

Ordinance appropriating $2,666,667 of fund balance from the Hetch Hetchy estimated revenues from the litigation settlement against The Williams Companies, Inc. and Williams Marketing Energy Marketing & Trading

Company to the San Francisco Electrical Reliability Project for fiscal year 2004-05. Appropriated funds will facilitate the development costs related to the City power plants.

(Fiscal impact.)

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041585 **[De-appropriate funding from the San Francisco Convention Facilities Management Visitors Bureau and the Department of Economic & Workforce Development in the Fiscal Year 2004-05]** Supervisor Sandoval

Ordinance amending the Annual Appropriation Ordinance by reducing appropriation to the Convention Facilities Management Visitors Bureau for professional services by $3,660,500 from $7,321,000 to $3,660,500 for Fiscal Year 2004-05, reducing the allocation of Hotel Tax authorized by the Administrative Provisions Section 11.11 for the Convention and Visitors Bureau for Fiscal Year 2004-05. Additionally, reducing a total appropriation from the Department of Economic and Workforce Development of $305,976 for the Fiscal Year 2004-05.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041586 **[Public Employment - Department of Business and Economic Development]** Supervisor Sandoval

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the deletion of 2.71 full time equivalent (FTE) positions at the Department of Business and Economic Development.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041588 **[License Fees]** Supervisor Daly

Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, and 249.12, relating to fees for licenses or permits for inspections by the Department of Public Health.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.
11/22/04, Fee ad to run in Independent 11/27/04 & 12/4/04.

041596 **[Discouraging speculation in two-unit condominium conversions]** Supervisors Dufty, Ammiano

Draft Ordinance amending the Subdivision Code by adding Section 1359A to require persons selling two-unit buildings converted to condominiums within 18 months of conversion to pay a fee to the City to assist evicted tenants equivalent to 50% of the profit from the sale of the condominium.

11/16/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee. 12/01/04 - Referred to Planning for determination of environmental impact of fee. 12/01/04 - Referred to Building Inspection Commission.

Resolutions

041573 **[Multifamily Housing Revenue Bonds]** Supervisors Peskin,

Daly, Ammiano

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $19,200,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of a first amendment to ground lease; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related matters.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.
11//19/04, MOH provided substitute documents for the 1st Amendment to Ground Lease and the Loan Agreement.

041574 **[Authorizing the issuance and sale of refunding revenue bonds by CSCDA for Walden House, Inc.]** Supervisor Gonzalez

Resolution authorizing the issuance and sale of refunding revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $7,950,000 for the Project (as defined herein).

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041575 **[Grant to Enhance Voter Education and Poll Worker Training]** Supervisor Gonzalez

Resolution authorizing the San Francisco Department of Elections to accept and expend a grant in an amount not to exceed $300,000.00 from the California Secretary of State to improve San Francisco's voter education and pollworker training programs.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041576 **[Authorizing the issuance and sale of revenue bonds by the Arizona Health Facilities Authority for Blood Centers of the Pacific and Blood Systems, Inc.]** Supervisor Alioto-Pier

Resolution authorizing the issuance and sale of revenue bonds by the Arizona Health Facilities Authority for Blood Centers of the Pacific and Blood Systems, Inc. in an aggregate principal amount not to exceed $55,000,000 for the Project (as defined herein).

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041578 **[International Education Week]** Supervisor Ma

Resolution declaring the week of November 15-19, 2004 as "International Education Week" in the City and County of San Francisco.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041581 **[Accept - Expend State Grant]** Supervisors Dufty, Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of $38,014 from the State Board of Corrections (BOC), from funds made available under the Juvenile Justice and Delinquency Prevention Act of 1974 ("Federal Juvenile Justice Challenge Funds") for developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system.

11/16/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

11/16/04, RECEIVED AND ASSIGNED to City Services Committee.

041582 **[Continuum of Care Plan - Homeless Board Membership]** Supervisor Elsbernd

Resolution amending the Continuum of Care Plan to reduce the size of the Local Homeless Coordinating Board to sixteen members: eight of whom are appointed by the Mayor, and eight of whom are appointed by the Board of Supervisors.

11/16/04, RECEIVED AND ASSIGNED to Rules Committee.

041587 **[SFHIV Vaccine Clinical Trials Network, Year 2004 to 2005, and add 0.25 of a New Position to the Year 5 Budget]** Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $481,758 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fifth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN) and to add 0.25 of a new position not included in the original agreement; for the period of June 1, 2004 to May 31, 2005.

11/16/04, RECEIVED AND ASSIGNED to City Services Committee.

041597 **[Precautions Against the Flu]** Supervisor Ammiano

Resolution urging all San Franciscans to implement prevention measures to reduce as much as possible their risk of contracting the flu.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041598 **[Landfill Liabilities]** Supervisor Ammiano

Resolution supporting the reform of California's Landfill Financial Assurance Rules to ensure that the risks of long term landfill liabilities do not become a financial obligation of the state and local governments and their taxpayers.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041601 **[Honoring and commending Tenderloin Tessie Holiday Dinners for creating warm family dinners for those in need during the holiday** Supervisors Daly, Dufty, Ammiano

season for thirty years]

Resolution honoring and commending Tenderloin Tessie Holiday Dinners for creating warm family dinners for those in need during the holiday season for thirty years.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041602 **[Supports the release of Colombian Senator Ingrid Betancourt]** **Supervisor Gonzalez**

Resolution of solidarity supporting that all parties cooperate to achieve the release of Senator Ingrid Betancourt, and the 3,000 other captives in Colombia.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041604 **[Commending Ann Foley posthumously for distinguished public service]** **Supervisor Peskin**

Resolution commending Ann Foley posthumously for her dedication and distinguished public service in the Office of the Controller.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041605 **[Urging Transportation Secretary Norm Mineta to approve the United Airlines bid to operate a direct route between S.F. International Airport and Guangzhou Baiyun International Airport]** **Supervisor Peskin**

Resolution urging the Secretary of the United States Department of Transportation, Norm Mineta, to award a new non-stop flight route between San Francisco International Airport and Guangzhou Baiyun International Airport to United Airlines.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041527 **[Lease for the OMI Family Center at 1760 Ocean Avenue]** **Supervisor Sandoval**

Hearing on the efforts of the Real Estate Division and the Department of Public Health to negotiate a new lease for the OMI Family Center at 1760 Ocean Avenue and to identify a new location for the clinic if lease negotiations fail.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041589 **[Juvenile Probation Department Budget and Management Issues]** **Supervisor Sandoval**

Hearing to receive information on the Juvenile Probation Department's implementation of fiscal instructions from the Budget Committee, including problems such as: (1) Not separating employees pursuant to Budget Committee recommendations; (2) The promotion of individuals without

budgetary authority; (3) Not hiring employees, such as the Industrial Hygienist, provided for in the Budget; (4) Possible retaliation against department employees who provided testimony during the budget process; and (5) Examination of City procedures and Controller procedures that allowed the aforementioned to occur.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee. 11/29/04: Notified Controller's Office and Juvenile Probation Dept. of Dec. 2 Budget Committee meeting.

041590 **[Mayor Newsom's Mid-Year Budget Cuts]** Supervisor Sandoval

Hearing to receive an update from the Mayor's Budget Office and other relevant departments on the Mayor's mid-year budget cuts for fiscal years 2004-05 and 2005-2006.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee. 11/24/04: Department heads notified of Budget Committee meeting.

041591 **[Gleneagles Golf Course]** Supervisor Sandoval

Requesting the Clerk of the Board to schedule a hearing for the Recreation and Park Department to report on the administration of the contract to manage the Gleneagles Golf Course.

11/16/04, RECEIVED AND ASSIGNED to Land Use Committee.

041592 **[Mission Housing Development Corporation]** Supervisor Daly

Hearing regarding the Mission Housing Development Corporation's cultural competency and ability to provide services described in their mission statement.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041593 **[Mid-Year Spending Adjustments]** Supervisor Daly

Hearing on the mid-year spending adjustments.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee.

041594 **[Helicopter Usage in San Francisco]** Supervisor Dufty

Hearing to examine the environmental and quality of life impact of helicopter usage in San Francisco, and requesting the FAA and other relevant agencies to provide information regarding the number and source of helicopters in San Francisco.

11/16/04, RECEIVED AND ASSIGNED to City Services Committee.

Motions

041568 **[Needle Exchange Emergency]** Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041569 **[Emergency Declaration Concurrence - Influenza Vaccine]** **Mayor**

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041572 **[Board Off-site Meeting]** **Supervisor Ammiano**

Motion ordering the City and School District Select Committee meeting of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on Monday, January 10, 2005, at 4:00 p.m. and directing the Clerk of the Board to prepare the proper notices and postings.

11/16/04, RECEIVED AND ASSIGNED to Rules Committee.

041595 **[Legislative Analyst Request - Early morning trash pickup and deliveries]** **Supervisor Dufty**

Motion requesting the Legislative Analyst to research noise ordinances and other major metropolitan areas (particularly New York and Washington DC) that address the issues of early morning trash pickup and deliveries, and make recommendations as to the feasibility of such ordinance in San Francisco. Questions: (1) Is it feasible for San Francisco to restrict business hours of private companies? (2) How would time limitations affect traffic conditions? (3) Is it possible to have an "opt-in" system (similar to the residential parking sticker) for residential neighborhoods that wish to restrict hours for trash pickup and deliveries?

11/16/04, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 23, 2004.

041599 **[Censure of Supervisor Daly for Violations of Board Rules]** **Supervisor Alioto-Pier**

Motion censuring Supervisor Daly for violations of Board Rules.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 11/22/04 - Received correspondence from Supervisor Alioto-Pier relating to the motion for censuring a Supervisor with copies of November 8 ,2004 Land Use Committee video tapes. Copies of correspondence distributed to each Supervisor. 11/22/04 - Received from Supervisor Daly, Supervisor Alioto-Pier's correspondence. 11/22/04 - Received from Supervisor Daly a memorandum and response to "Case for Censure". Copies distributed to each Supervisor.

041600 **[Health Care Workers Lockout - December 2, 2004 Board of Supervisors Committee of the Whole]** **Supervisor Daly**

Motion for the Board of Supervisors to convene as a Committee of the Whole on December 2, 2004 at 1 pm to consider the impact of the possible lockout of health care workers by Sutter Health and measures the City can take to

ameliorate the situation.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

041484 [Settlement of the Lawsuit - Pamela Nash]

Ordinance authorizing settlement of the lawsuit filed by Pamela Nash against the City and County of San Francisco for $100,000; the lawsuit was filed on February 7, 2003, in the United States District Court, Northern District of California, Case No. C-03-01221-CW; entitled Pamela Nash v. City and County of San Francisco, et. al.

11/1/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041510 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Sussex Street and Swiss Avenue, stopping Swiss Avenue at Sussex Street, making this uncontrolled intersection a two-way STOP;
Beulah and Shrader Streets, stopping Shrader Street at Beulah Street, making this intersection an All-Way STOP;
Broderick and Francisco Streets, stopping Broderick Street at Francisco Street, making this intersection an All-Way STOP; and
Cross and Pope Streets, stopping Pope Street at Cross Street and Cross Street at Pope Street, making this uncontrolled T-intersection an All-Way STOP. (Parking and Traffic Department)

(10-26-04: categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2895.)

10/27/04, RECEIVED AND ASSIGNED to Land Use Committee.

041512 [Accept and Expend Federal Grant Funds Under the Airport Improvement Program (AIP) (AIP 26 - Project No.3-06-0221-26) and (AIP 27 - Project No. 3-06-0221-27)]

Resolution authorizing the Airport Commission to accept and expend grant funds in a total amount of $14,957,719 from the Federal Aviation Administration: $13,397,719 to be expended on Airport standard and security improvements (A.I.P 26, Project No. 3-06-0221-26); and $1,560,000 for Airport noise improvements (A.I.P 27, Project No. 3-06-0221-27). (Airport Commission)

10/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041514 **[Settlement of Claim - Jon Wesley Hopkins]**

Resolution approving the settlement of the unlitigated claim filed by Jon Wesley Hopkins against San Francisco for $35,000; claim was filed on August 4, 2004. (City Attorney)

11/4/04, RECEIVED AND ASSIGNED to Rules Committee.

041515 **[Provide children's dental disease prevention services in San Francisco]** **Supervisors Dufty, Ammiano**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of $30,429 from the California Department of Health Services (CDHS) to provide dental disease prevention services to children in San Francisco and to enter into an agreement for the use of these funds; for the period of July 1, 2004, to June 30, 2005. (Public Health Department)

11/5/04, RECEIVED AND ASSIGNED to City Services Committee.

11/10/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

041516 **[Issue 32 and 33 Refunding Bond Sale Resolutions, Swap Resolution and Twelfth Supplemental Resolution]**

Resolution approving the issuance of up to $875,000,000 additional aggregate principal amount of San Francisco International Airport second series revenue refunding bonds for the purpose of refinancing bonds and subordinate bonds of the Airport Commission; Approving the sale of San Francisco International Airport second series revenue refunding bonds through December 31, 2007; Approving the maximum interest rate, notional amount and term of interest rate swap transactions; Approving the forms of certain documents relating to interest rate swap transactions and authorizing the execution and delivery thereof; Approving and authorizing the use of Airport Commercial paper to pay swap termination payments and costs of issuance;Approving the forms of certain documents relating to San Francisco International Airport second series variable rate revenue bonds and authorizing the execution and delivery thereof; Approving and authorizing the use of Airport commercial paper to pay swap termination payments and costs of issuance; Approving the forms of certain documents relating to San Francisco International Airport second series variable rate revenue bonds and authorizing the execution and delivery thereof; Approving certain amendments to the 1991 Master Resolution; and related matters. (Airport Commission)

11/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

11/17/04, CLERICAL CORRECTION. Per City Attorney, on page 1, delete beginning with the word "Approving" on line 17 through the word "thereof" on line 20; duplicate language.

041517 **[Prevailing wage rates for workers on public works and improvement projects, workers performing janitorial services, workers in public off-street parking lots, garages, or storage facilities** **Supervisors Daly, Ammiano**

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers in

public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; and (4) workers performing moving services under City contracts at facilities owned or leased by the City. (City Attorney)

11/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041518 **[Sprint Spectrum, L.P. Transmitter Lease]**

Resolution authorizing and approving a lease of cellular transmitter and antennae space at the Health Center Four to Sprint Spectrum, L.P., a Delaware limited partnership. (Real Estate Department)

11/8/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041519 **[Develop a supplemental HIV/AIDS surveillance system to produce population-based estimates of the characteristics of persons with HIV infection in San Francisco and the care they receive,** **Supervisor** Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of $267,880 from the Centers for Disease Control and Prevention (CDC) to develop a supplemental HIV/AIDS morbidity and risk surveillance system, to enter into an agreement for the use of these funds, and to add two new positions; for the period of September 1, 2004, to May 31, 2005. (Public Health Department)

11/8/04, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To identify legal issues and risks associated with increasing franchise fees paid to the City by PG&E under PG&E's gas and electric franchise agreements so that the City can consider whether increasing franchise fees is a viable means of increasing revenue to the City.

From: Supervisor Sandoval

To: Juvenile Probation Department

Requesting/Inquiring: To report on the department's budget and management issues at an upcoming Budget hearing, including problems such as:

1. Not separating employees pursuant to Budget Committee recommendations.

2. The promotion of individuals without budgetary authority.

3. Not hiring employees, such as the Industrial Hygienist, provided for in

the Budget.

4. Possible retaliation against department employees who provided testimony during the budget process.

5. Examination of City procedures and Controller procedures that allowed the aforementioned to occur.

Also requesting the Clerk of the Board to send a copy of this request to:

Ed Harrington

Office of the Controller

City Hall, Room 316

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Bill Johnston

Acting Chief Probation Officer

Juvenile Probation Department

375 Woodside Avenue

San Francisco, CA 94127

From: Supervisor Sandoval

To: Recreation and Park Department

Requesting/Inquiring: To report on the administration of the contract to manage the Gleneagles Golf Course at an upcoming hearing.

Also directing the Clerk of the Board to send a copy of this hearing request to:

Ms. Jackie Fong

Recreation and Park Department

McLaren Lodge

501 Stanyan Street

San Francisco, CA 94117

Yomi Agunbiade

Acting General Manager

Recreation and Park Department

McLaren Lodge

501 Stanyan

In Memoriams

Richard Hongisto (Entire Board)

Greg Smoody (Supervisor Dufty)

Amparo Graham (Supervisor Maxwell)

ADJOURNMENT

There being no further business, the Board at the hour of 4:52 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 14, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
The Clerk of the Board's Office TTY number is (415) 554-5227.
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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
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City and County of San Francisco
Board of Supervisors

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MEETING MINUTES

Tuesday, November 23, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt*

Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

Quorum present.

Supervisor Alioto-Pier was noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve October 26, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the Finance and Audits Committee

041452 **[Airport Concession Lease - "F" Newsstand]**

Resolution approving the Boarding Area "F" Newsstand Lease between Soto & Sanchez Investments, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Enacted 711-04

Number:
ADOPTED

041453 **[Airport Concession Lease - Terminal 3 Newsstands]**

Resolution approving the Terminal 3 Newsstands Lease - A Disadvantaged Business Enterprise Set-Aside between Soto & Sanchez Investments, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Enacted Number: 712-04
ADOPTED

041454 **[Accept-Expend Federal Grant - SmartCatch Project]**

Resolution authorizing the Airport Commission to accept and expend a grant in the amount of $518,266.00 from the Transportation Security Administration to develop, test, and apply real-time automated video surveillance technologies. (Airport Commission)

Enacted Number: 713-04
ADOPTED

Recommendations of the Rules Committee

041566 **[Appointment - Child Care Planning and Advisory Council]**

Resolution appointing Margaret Jerene, term ending December 31, 2004, to the Child Care Planning Advisory Council.

Margaret Jerene, succeeding Gwendolyn Henry, resigned, seat 1, must be a nominee of District 1 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of a two-year term ending December 31, 2004.

Enacted Number: 718-04
ADOPTED

041567 [Appointment - Child Care Planning and Advisory Council]

Resolution appointing Margaret Jerene, term ending December 31, 2007, to the Child Care Planning Advisory Council.

Margaret Jerene, succeeding herself, term expiring December 31, 2004, seat 1, must be a nominee of District 1 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a three-year term ending December 31, 2007.

Enacted Number: 719-04

ADOPTED

041189 [Settlement of Bankruptcy Claims Dispute, In re METROMEDIA FIBER NETWORK, INC] Supervisor Maxwell

Ordinance authorizing settlement at 75% of face value of disputed bankruptcy creditor claims filed by the City and County of San Francisco against Chapter 11 Debtors, In re METROMEDIA FIBER NETWORK, INC., et al., Chapter 11, Case Nos. 02-22736 (ASH) through 02-22742 (ASH), 02-22744 (ASH) through 02-22746 (ASH), 02-22749 (ASH), and 02-22751 (ASH) through 02-22754 (ASH) (Jointly Administered), (U. S. Bankruptcy Court, Southern District of New York), and directing attorney for Tax Collector to effectuate settlement.

PASSED, ON FIRST READING

041388 [Settlement of Lawsuit - Turlock Irrigation District]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Turlock Irrigation District for Declaratory and Injunctive Relief to Validate Termination of Long-Term Power Sales Agreement; the City and County of San Francisco filed the lawsuit on August 13, 2001 in San Francisco Superior Court (San Francisco Superior Court Case No. 323717). (City Attorney)

PASSED, ON FIRST READING

041427 [Settlement of Lawsuit - Armstrong, et al., v. CCSF, et al.]

Ordinance authorizing settlement of claims made by James Armstrong in a multi-party action against the City and County of San Francisco for

$50,000.00, placement in Step 3 of current 5173 classification, and payment of the difference between the Step 3 pay rate and the pay rate actually received by James Armstrong retroactive to April 26, 2003; the lawsuit was filed on July 9, 2001 in United States District Court, Northern District, Case No. C01-2611; entitled Armstrong, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041437 **[Partial Settlement of Lawsuit - Eugene Kalinin, et al.]**

Ordinance authorizing partial settlement of the lawsuit filed by Tim Anderson, Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Edward Allen Ellstad, Eugene Kalinin, Daniel Manning, Sonia Mariona, William Moralez, Brian J. Perry and Jack Z. Wronski against the City and County of San Francisco for $240,000; the lawsuit was filed on November 5, 2003, in the United States District Court, Northern District of California, Case No. C-03-4928 MHP; entitled Eugene Kalinin, et al., v. City and County of San Francisco, et al; the partial settlement resolves certain claims in the lawsuit brought by plaintiffs Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Eugene Kalinin, Daniel Manning and Sonia Marion; all plaintiffs have additional claims remaining in the lawsuit. (City Attorney)

PASSED, ON FIRST READING

041442 **[Settlement of Lawsuit - Andrew King v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Andrew King against the City and County of San Francisco for $60,000; the lawsuit was filed on 10/31/03 in United States District Court, Case No. C03-4879; entitled Andrew King v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041443 **[Settlement of Claim - Barbara Miller]**

Resolution approving the settlement of the unlitigated claim filed by Barbara Miller against San Francisco for $90,000; claim was filed on April 19, 2004. (City Attorney)

Enacted Number: 710-04

ADOPTED

041444 **[Settlement of Unlitigated Claim - Margaret Jhin-Walsh]**

Resolution approving the settlement of the unlitigated claim filed by Margaret Jhin-Walsh against San Francisco for $120,000; claim was filed on February 17, 2004. (City Attorney)

Enacted Number: 709-04
ADOPTED

041480 **[Settlement of Unlitigated Claim - D. W. Nicholson Corporation]**

Resolution approving the settlement of the unlitigated claim filed by D. W. Nicholson Corporation against the City and County of San Francisco. (City Attorney)

Enacted Number: 715-04
ADOPTED

041525 **[Settlement of Unlitigated Claim - Muzak LLC]**

Resolution approving the settlement of the unlitigated claim filed by Muzak LLC against the City and County of San Francisco. (City Attorney)

Enacted Number: 716-04
ADOPTED

041526 **[Settlement of Unlitigated Claim - Intel Corporation]**

Resolution approving the settlement of the unlitigated claim filed by Intel Corporation against the City and County of San Francisco. (City Attorney)

Enacted Number: 717-04
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Severed From the Consent Agenda

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

041551 **[Settlement of Lawsuit - People v. Dynegy, et al.]** Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Duke Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; the settlement provides $500,000 to San Francisco to be used for energy efficiency, renewable energy or environmental justice projects in areas affected by electric generation in San Francisco and $172 million in benefits to California electric ratepayers, among other provisions.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Services Committee

041308 **[Regulating the Distribution of Handbills]** Supervisor Ma

Ordinance amending Article 5.7 of the Public Works Code by repealing section 184.71, which required persons distributing handbills to register and pay fees, amending section 184.73 to make violation of the ordinance an infraction instead of a misdemeanor, amending section 184.74 to permit the City to recover costs incurred in cleaning up handbills distributed in violation of the ordinance and to impose civil penalties for violations, and by renumbering sections 184.71 through 184.77.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, McGoldrick, Peskin
Noes: 5 - Ammiano, Daly, Gonzalez, Maxwell, Sandoval

Recommendations of the Land Use Committee

030667 [Domestic Partner and Family Protection Rent Ordinance] Supervisors Gonzalez, Daly, Peskin, Ammiano

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9 to prohibit evictions from rent-controlled units based solely on the addition of an existing tenant's child, parent, grandchild, grandparent, brother or sister, or the spouse or domestic partner (as defined in Administrative Code Sections 62.1 through 62.8) of such relatives, or for the addition of the spouse or domestic partner of a tenant, where a pre-existing rental agreement or lease limits the number of occupants or limits or prohibits subletting or assignment and where the landlord has unreasonably refused the tenant's written request to add such occupant(s), unless the total number of occupants exceeds two persons per studio rental unit, three per one-bedroom unit, four per two-bedroom unit, six per three-bedroom unit or eight per four-bedroom unit, or unless this total would exceed the number of occupants permitted under state law and/or other local codes (e.g., Planning, Housing, Fire and Building Codes) [Section 37.9(a)(2)]; and expressing the intent of the Board of Supervisors that the Rent Board Rules and Regulations regarding subletting consent procedures be substantially applied to this legislation (but modified to address the family situations that are the subject of this legislation).

Enacted Number: 282-04

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

041353 [Encouraging Condominium Conversions Where Tenants Are Not Displaced] Supervisor Daly

Ordinance amending the Subdivision Code by repealing portions of Sections 1302, 1308, 1359, 1388, 1396, and 1396.1; by repealing Section 1316 in its entirety; amending Section 1359 to delete the exception for certain two-unit buildings; and by amending Section 1396.1 to give preference in the condominium lottery to buildings where certain evictions have not taken place.

Enacted Number: 281-04

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041270 [Parking Regulations] Supervisor McGoldrick

Resolution enacting and rescinding parking regulations at various locations.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
O'Farrell Street, north side, from Van Ness Avenue to Polk Street, eliminating 13 parking meters.

TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Polk Street to Larkin Street.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
820 O'Farrell Street at Larkin Street, northwest corner, from Larkin Street to 94 feet westerly eliminating parking meter nos. 802, 804, 806 and 808, (to create a 94-foot left turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
895 O'Farrell Street at Polk Street, southeast corner, from 81 feet to 99 feet east of Polk Street, extending bus zone by 18 feet).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street (establishing eleven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Larkin Street to Hyde Street (establishing ten parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
709 O'Farrell Street at Hyde Street, southwest corner, from Hyde Street to 90 feet westerly, (to create a 90-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Hyde Street to Leavenworth Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Hyde Street to Leavenworth Street (establishing seven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Hyde Street to Leavenworth Street (establishing six parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
608 O'Farrell Street at Leavenworth Street, northwest corner side, from Leavenworth Street to Harlem Alley, (to create a 76-foot left-turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
501 O'Farrell Street at Jones Street, southwest corner, from Jones Street to 96 feet westerly, (to create a 96-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street (establishing nine parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Leavenworth Street to Jones Street (establishing nine parking meters).

NO STOPPING ANYTIME - REVOKE
METERED YELLOW ZONE, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH
340 O'Farrell Street, north side, from 245 feet to 289 feet east of Taylor Street (44-foot zone establishing two meters).

NO STOPPING ANYTIME - REVOKE
GENERAL METERED PARKING, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY

Continued to December 14, 2004

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041271 [Traffic Regulations] **Supervisor McGoldrick**

Resolution enacting and rescinding traffic regulations on various streets.

TRANSIT (CURB) LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Hyde and Leavenworth Streets.

TOW AWAY NO STOPPING, BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Leavenworth and Jones Streets.

TOW AWAY LANE (NORTH SIDE) - BUSES, TAXIS AND RIGHT TURNS ONLY, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
300 block of Geary Street (transit lane).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

Continued to December 14, 2004

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

Recommendation of the Rules Committee

041449 [Establishing a Shelter Monitoring Committee] Supervisors Gonzalez, Alioto-Pier

Ordinance adding Article XII to Article 20 of the San Francisco Administrative Code to establish a Shelter Monitoring Committee to monitor and report on homeless shelters funded in whole or in part by the City.

Enacted Number: 283-04

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Finance and Audits Committee

041391 [Approving plan for universal access to preschool] Supervisors Ammiano, Daly, Sandoval, Gonzalez, Ma, McGoldrick

Resolution approving the interim plan of the San Francisco Children and Families First Commission for providing all four-year-old children in San Francisco the opportunity to attend preschool by September 2009.

Supervisors Sandoval, Gonzalez, Ma and McGoldrick requested to be added as co-sponsors.

Enacted Number: 727-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041428 **[Agreement to sell real property related to the former Central Freeway parcels located on Elm Street near Gough Street]**

Resolution approving and authorizing agreement for the sale by the City, at fair market value, of certain real property known generally as a portion of Lot 23, Assessor's Block 761 to the San Francisco Federal Credit Union; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's general plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

Enacted Number: 707-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041430 **[Emergency Repairs]**

Resolution authorizing expenditure of funds for emergency repairs of Early Intake at an estimated cost of $4,498,000. (Public Utilities Commission)

(Fiscal impact.)

Enacted Number: 708-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041457 **[Accept and Expend Federal Funds - Fiscal Year 2004 Lead Hazard Control Grant Program]** Supervisor Ammiano

Resolution authorizing retroactively, the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,000,000.

Enacted Number: 714-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Rules Committee

041316 **[Surplus City Property]** Supervisors Daly, Ammiano

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.9, 23A.10 and 23A.11 to specify terms for appointed members of the Surplus Property Citizens' Advisory Committee, to clarify the requirements under Administrative Code Section 23.3 applicable to dispositions of surplus and underutilized property, and to clarify policy and procedures for dispositions of City-owned surplus and underutilized real property that is not listed on the annual Surplus Property Report.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041335 **[Designation of County Surveyor]** Supervisors Ma, Gonzalez

Ordinance amending Administrative Code Section 2A.190 and Subdivision Code Section 1307 to designate and distinguish the official titles and duties of City Engineer and County Surveyor and amending Subdivision Code Sections 1310, 1311, 1320, 1324 through 1329, 1340, 1355, 1360 through 1364, and 1397 to reassign responsibilities from the City Engineer to the County Surveyor. (Public Works Department)

Supervisor Gonzalez requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041359 **[Western SoMa Citizens Planning Task Force]** Supervisors Daly, Gonzalez

Resolution establishing a 22 member Western SoMa Citizens Planning Task Force.

Supervisor Gonzalez requested to be added as a co-sponsor.

Enacted Number: 731-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041354 **[Utility Undergrounding Task Force]** Supervisors Dufty, Maxwell, Ma, Alioto-Pier, Gonzalez, Peskin

Resolution creating a Utility Undergrounding Task Force to advise the City and County of San Francisco concerning the future of utility undergrounding in San Francisco and to complete its work by September 1, 2005.

Supervisor Peskin requested to be added as a co-sponsor.

Enacted 706-04

Number:
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

041548 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**
Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

The President inquired if any member of the public wished to address the Board.

There were no speakers.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

041545 **[Reenacting a Disadvantaged Business Enterprise Program]** **Supervisors Ammiano, Ma**
Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code;

suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 280-04

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

SPECIAL ORDER 4:00 P.M.

Supervisor Dufty noted absent at 3:05 p.m.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

041199 **[Public Hearing - Appeal of Categorical Exemption - 2404 Broadway Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 3, 2004, Case No. 2004.0406E, approving the proposed project to vertically and horizontally expand an existing three-story-over-basement Colonial Revival house located at 2404 Broadway Street, Assessor's Block 562, Lot 4. (Appellants: Suzanne and Francoise Antounian, represented by their attorneys, G. Scott Emblidge and Rebecca Bedwell-Coll of Moscone, Emblidge & Quadra, LLP.)

(Filed August 18, 2004; companion measure to Files 041200, 041201, 0411202; District 3.)

Supervisors reviewed with representatives of the Planning Department the process used in issuing a new Categorical Exemption for this property.

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 2 - Dufty, Sandoval

(Only one of the following two motions should be adopted.)

041200 [Affirming the categorical exemption issued for 2404 Broadway Street]

Motion affirming the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 2 - Dufty, Sandoval

041201 [Disapproving the categorical exemption issued for 2404 Broadway Street]

Motion disapproving the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 2 - Dufty, Sandoval

041202 [Preparation of findings related to the categorical exemption issued for 2404 Broadway Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Absent: 2 - Dufty, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; homeless issues

Richard Stetman; homeless issues

Male Speaker; urging not to support the motion to censure Supervisor Daly

John Adonna; general issues

Francisco di Costa; general issues and censure issues

Davey Jones, Housing Rights Association; supporting motion to censure Supervisor Daly

James Collins, resident of District 6; urging not to support the motion to censure Supervisor Daly

Kathleen Harrighton; civility issues

Joe Madera; urging not to support the motion to censure Supervisor Daly

Tom Etsel; urging not to support the motion to censure Supervisor Daly

Jim Eisnersen; urging not to support the motion to censure Supervisor Daly

Clayton Mansfield; urging not to support the motion to censure Supervisor Daly

Aurora; urging not to support the motion to censure Supervisor Daly

Albert Scott; urging not to support the motion to censure Supervisor Daly

Jim Hancock; urging not to support the motion to censure Supervisor Daly

Mike McNulty; urging not to support the motion to censure Supervisor Daly

John Risso; informing that Sierra Club urges not to support the motion to censure Supervisor Daly; also read a correspondence from Supervisor Elect Mirkarimi

Ross Wolf; reviewed issues relating to Board Rules of Order

Male Speaker; issues regarding Board's Policy for decorum for Board members and the public

Ellen Pound; urging not to support the motion to censure Supervisor Daly

Daine Burke; urging not to support the motion to censure Supervisor Daly

Ms. Chan; urging not to support the motion to censure Supervisor Daly

Male Speaker; urging not to support the motion to censure Supervisor Daly

Female Speaker; urging not to support the motion to censure Supervisor Daly

Male Speaker; urging not to support the motion to censure Supervisor Daly

Bob Darren; urging not to support the motion to

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

041595 **[Legislative Analyst Request - Early morning trash pickup and deliveries]** **Supervisor Dufty**

Motion requesting the Legislative Analyst to research noise ordinances and other major metropolitan areas (particularly New York and Washington DC) that address the issues of early morning trash pickup and deliveries, and make recommendations as to the feasibility of such ordinance in San Francisco. Questions: (1) Is it feasible for San Francisco to restrict business hours of private companies? (2) How would time limitations affect traffic conditions? (3) Is it possible to have an "opt-in" system (similar to the residential parking sticker) for residential neighborhoods that wish to restrict hours for trash pickup and deliveries?

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041574 **[Authorizing the issuance and sale of refunding revenue bonds by CSCDA for Walden House, Inc.]** **Supervisor Gonzalez**

Resolution authorizing the issuance and sale of refunding revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $7,950,000 for the Project (as defined herein).

Enacted Number: 704-04
ADOPTED

041575 **[Grant to Enhance Voter Education and Poll Worker Training]** Supervisor Gonzalez

Resolution authorizing the San Francisco Department of Elections to accept and expend a grant in an amount not to exceed $300,000.00 from the California Secretary of State to improve San Francisco's voter education and pollworker training programs.

Enacted Number: 720-04
ADOPTED

041576 **[Authorizing the issuance and sale of revenue bonds by the Arizona Health Facilities Authority for Blood Centers of the Pacific and Blood Systems, Inc.]** Supervisor Alioto-Pier

Resolution authorizing the issuance and sale of revenue bonds by the Arizona Health Facilities Authority for Blood Centers of the Pacific and Blood Systems, Inc. in an aggregate principal amount not to exceed $55,000,000 for the Project (as defined herein).

Enacted Number: 705-04
ADOPTED

041578 **[International Education Week]** Supervisor Ma

Resolution declaring the week of November 15-19, 2004 as "International Education Week" in the City and County of San Francisco.

Enacted Number: 721-04
ADOPTED

041597 **[Precautions Against the Flu]** Supervisor Ammiano

Resolution urging all San Franciscans to implement prevention measures to reduce as much as possible their risk of contracting the flu.

Enacted Number: 722-04
ADOPTED

041598 **[Landfill Liabilities]** Supervisor Ammiano

Resolution supporting the reform of California's Landfill Financial Assurance

Rules to ensure that the risks of long term landfill liabilities do not become a financial obligation of the state and local governments and their taxpayers.

Enacted Number: 728-04
ADOPTED

041601 [Honoring and commending Tenderloin Tessie Holiday Dinners for creating warm family dinners for those in need during the holiday season for thirty years] Supervisors Daly, Dufty, Ammiano

Resolution honoring and commending Tenderloin Tessie Holiday Dinners for creating warm family dinners for those in need during the holiday season for thirty years.

Enacted Number: 723-04
ADOPTED

041602 [Supports the release of Colombian Senator Ingrid Betancourt] Supervisor Gonzalez

Resolution of solidarity supporting that all parties cooperate to achieve the release of Senator Ingrid Betancourt, and the 3,000 other captives in Colombia.

Enacted Number: 729-04
ADOPTED

041604 [Commending Ann Foley posthumously for distinguished public service] Supervisor Peskin

Resolution commending Ann Foley posthumously for her dedication and distinguished public service in the Office of the Controller.

Enacted Number: 724-04
ADOPTED

041605 [Urging Transportation Secretary Norm Mineta to approve the United Airlines bid to operate a direct route between S.F. International Airport and Guangzhou Baiyun International Airport] Supervisor Peskin

Resolution urging the Secretary of the United States Department of Transportation, Norm Mineta, to award a new non-stop flight route between San Francisco International Airport and Guangzhou Baiyun International Airport to United Airlines.

Enacted Number: 730-04
ADOPTED

041600 [Health Care Workers Lockout - December 2, 2004 Board of Supervisors Committee of the Whole] Supervisor Daly

Motion for the Board of Supervisors to convene as a Committee of the Whole on December 2, 2004 at 1 pm to consider the impact of the possible lockout of health care workers by Sutter Health and measures the City can take to ameliorate the situation.

Enacted Number: M04-132
APPROVED

041520 [Final Map, Planned Development, Mission Bay]

Motion approving Final Map, Planned Development, Mission Bay (BLOCK N4A), a 4 lot subdivision, being phase 2 of a subdivision of Assessor's Blocks 8704, 8705, 8707 and 8708 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order No. 174,994; District 6.)

Enacted Number: M04-128
APPROVED

041521 [Final Map for a 50 Unit Mixed Use Condominium Project - 1600 Webster Street]

Motion approving Final Map of 1600 Webster Street, A Mixed Use Condominium Project, being a subdivision of Lot 51 in Assessor's Block No. 685, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,056; District 5.)

Enacted Number: M04-129
APPROVED

041568 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange

program.

Enacted Number: M04-130
APPROVED

041569 [Emergency Declaration Concurrence - Influenza Vaccine] Mayor

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

Enacted Number: M04-131
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

Severed From Without Reference Committee Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

041599 [Censure of Supervisor Daly for Violations of Board Rules] Supervisor Alioto-Pier

Motion censuring Supervisor Daly for violations of Board Rules.

NOT APPROVED by the following vote:
Ayes: 2 - Alioto-Pier, Elsbernd
Noes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

041616 **[Proclaiming Trilla Jentzsch Day in the City and County of San Francisco]** **Supervisor Maxwell**

Resolution proclaiming November 30, 2004 as Trilla Jentzsch Day in the City and County of San Francisco.

Enacted Number: 726-04

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

041615 **[Commending Rev. Arthur James Eberhardt Sr.]** **Supervisors Maxwell, Dufty**

Resolution commending Rev. Arthur James Eberhardt Sr. for his legacy of service to his congregation and the community.

Enacted Number: 725-04

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell,

McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041611 **[Authorization for a Local Disease Prevention Demonstration Project]** — **Supervisors Dufty, Ammiano**

Draft Ordinance authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

041619 **[Visitor and Convention Hotel Impact Fee]** — **Supervisor Peskin**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 39: (i) imposing a Visitor and Convention Hotel Impact Fee of $6.00 per room night upon hotel guests attending or participating in conventions and other events at the Moscone Center or Bill Graham Civic Auditorium to reduce the operating shortfall for such facilities, (ii) requiring hotels to collect the fee and report upon and remit all fees collected to the City, (iii) requiring the Controller to recommend annual adjustments to the fee, as specified, (iv) exempting guests staying in hotels of fewer than 50 rooms, and (v) providing for penalties.

11/23/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 12/23/2004.

041620 **[Adding an affordability requirement to the definition of Single Room Occupancy Unit in Planning Code Article 8]** — **Supervisor Ammiano**

Ordinance amending Planning Code Section 890.88 to define a single room occupancy unit as a unit that is affordable to very low income or extremely low income households; making findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1; making

environmental findings.

11/23/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee.

041624 **[Settlement of Lawsuit - John R. Ulrich, Jr., M.D.]**

Ordinance authorizing settlement of the lawsuit filed by John R. Ulrich, Jr., M.D. against the City and County of San Francisco for violation of civil rights in the amount of $1,537,500; Plaintiff Ulrich filed the lawsuit on October 27, 1999 in San Francisco Superior Court and the City removed it to United States District Court (U.S. District Court Action C99-05003TEH).

Resolutions

041612 **[Creating a Community Choice Aggregation Citizens Advisory Task Force]** Supervisor Ammiano

Resolution creating a citizens advisory task force to advise the City and County of San Francisco regarding the design and implementation of a Community Choice Aggregation program in accordance with ordinance 86-04.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

041614 **[Children and Youth Stakeholders]** Supervisors Ma, Ammiano

Resolution urging the Mayor and the Department of Public Health to create a Proposition 63 Children and Youth Stakeholder Sub-Committee, dedicate a portion of Proposition 63 funding to fund children and youth services, and dedicate funding to Wellness Center Expansion.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041617 **[Exclusive Negotiating Agreement for Development of the Old Mint]** Supervisors Peskin, Ammiano

Resolution extending the expiration date of the Exclusive Negotiating Agreement between the City and the San Francisco Museum and Historical Society for the development of the Old Mint.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041618 **[Emperor Norton Bridge]** Supervisors Peskin, Ammiano, Daly

Resolution urging the California Department of Transportation and members of the California Assembly and Senate to name the new additions to the San Francisco Bay Bridge in honor of Emperor Norton I, Emperor of the United States and Protector of Mexico.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041621 **[Establishing an Arts Task Force to Advise Board of Supervisors and Mayor]** **Supervisor Ammiano**

Resolution establishing an Arts Task Force to Make Recommendations to the Board of Supervisors and Mayor and Setting Forth the Membership and Duties of the Task Force.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

041622 **[Music Concourse Dedicated Access Route]** **Supervisors Ammiano, Gonzalez**

Resolution requesting the Golden Gate Park Concourse Authority to work collaboratively with the San Francisco Municipal Transportation Agency (MTA) and the San Francisco Recreation and Park Department to refine the design of the dedicated access route from the Music Concourse parking facility to 9th Avenue and Lincoln Way that would equally satisfy the needs of MTA, bicycles, and pedestrians.

11/23/04, RECEIVED AND ASSIGNED to Land Use Committee.

041623 **[Mayor's Office of Housing to assign staff to the Advisory Committee on Educator Housing]** **Supervisor Ma**

Resolution urging the Mayor to direct the Mayor's Office of Housing to assign an appropriate staff member to provide guidance, counseling and assistance to the Advisory Committee on Educator Housing being formed by the San Francisco Unified School District and the United Educators of San Francisco.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041625 **[Confirming appointment of Rich Peterson to the San Francisco Redevelopment Agency]** **Mayor**

Resolution confirming the appointment of Rich Peterson by the Mayor to the San Francisco Redevelopment Agency.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

Requests for Hearing

041626 [Non-Profit Contracting Task Force] Supervisor Maxwell

Hearing on the status and implementation of the recommendations of the Board of Supervisors Non-Profit Contracting Task Force.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

041627 [West Nile Virus] Supervisor Dufty

Hearing to consider efforts to increase vector control and reduce the threat of West Nile Virus.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

041628 [Planning and implementation of Proposition 63 - Mental health services.] Supervisor Dufty

Hearing on the planning and implementation of Proposition 63 to improve mental health services.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

Motions

041613 [Extends the due dates for a Community Choice Aggregation draft implementation plan and Request for Proposal to the Board of Supervisor by four months each] Supervisor Ammiano

Motion approving the extension of the due dates for a Community Choice Aggregation draft implementation plan and a Request for Proposal to the Board of Supervisors as required under Ordinance No. 86-04 by four months each.

11/23/04, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

041522 [Amendment to Paratransit Broker Agreement]

Resolution approving Amendment No. 4 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to extend the current five-year contract for three years, through March 31, 2008, and to increase the contract amount by $65,379,606, for a total contract amount not to exceed $158,021,539. (Municipal Transportation Agency)

11/10/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041523 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
John Muir Drive, south side, from 50 feet east of the east property line of the Lakewood Apartments (end of angled parking) to Lake Merced Boulevard.

TOW-AWAY, NO PARKING, 10 PM to 6 AM EVERYDAY - ESTABLISH
John Muir Drive, north side, from 50 feet east of the east property line of the Lakewood Apartments (end of angled parking) to Lake Merced Boulevard. (Parking and Traffic Department)

(11/05/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2904.)

11/10/04, RECEIVED AND ASSIGNED to Land Use Committee.

Requests Granted

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft legislation prohibiting retaliation by management against employees of the City and County of San Francisco who communicate with or offer testimony to members of the Board of Supervisors about City business.

From: Supervisors Maxwell, Peskin

To: City Attorney

Requesting/Inquiring: To draft legislation to amend the Campaign and Governmental Conduct Code to create disclosure requirements for lobbyists that receive contributions for the purpose of lobbying.

Elios Anderlini (Supervisor Peskin)

Manuel Quintanilla (Supervisor Ammiano)

Dolores Guerrero (Supervisor Maxwell)

ADJOURNMENT

There being no further business, the Board at the hour of 5:37 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 4, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
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翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

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ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
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Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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MEETING MINUTES

Tuesday, December 7, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake*

McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

Quorum present.

Supervisor Alioto-Pier was noted present at 2:04 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve November 2, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Services Committee

041441 **[Approval of the Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]** **Supervisors Dufty, Ammiano**

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2004-2005. (Public Health Department)

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 743-04

ADOPTED

041515 **[Provide children's dental disease prevention services in San Francisco]** Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of $30,429 from the California Department of Health Services (CDHS) to provide dental disease prevention services to children in San Francisco and to enter into an agreement for the use of these funds; for the period of July 1, 2004, to June 30, 2005. (Public Health Department)

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 747-04

ADOPTED

041519 **[Develop a supplemental HIV/AIDS surveillance system to produce population-based estimates of the characteristics of persons with HIV infection in San Francisco and the care they receive,** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of $267,880 from the Centers for Disease Control and Prevention (CDC) to develop a supplemental HIV/AIDS morbidity and risk surveillance system, to enter into an agreement for the use of these funds, and to add two new positions; for the period of September 1, 2004, to May 31, 2005. (Public Health Department)

Enacted Number: 749-04

ADOPTED

Recommendations of the Finance and Audits Committee

041511 **[Accept and Expend Federal Funds from the Transportation Security Administration (TSA Agreement Number HSTS04-04-A-DEP125)]**

Resolution authorizing the Airport Commission to accept and expend federal

funds in a total amount of $15,000,000 from the Transportation Security Administration (TSA Agreement Number HSTS04-04-A-DEP125) for the Installation of Explosive Detection Baggage Inspection systems (EDS) at San Francisco International Airport. (Airport Commission)

Enacted Number: 745-04
ADOPTED

041512 **[Accept and Expend Federal Grant Funds Under the Airport Improvement Program (AIP) (AIP 26 - Project No.3-06-0221-26) and (AIP 27 - Project No. 3-06-0221-27)]**

Resolution authorizing the Airport Commission to accept and expend grant funds in a total amount of $14,957,719 from the Federal Aviation Administration: $13,397,719 to be expended on Airport standard and security improvements (A.I.P 26, Project No. 3-06-0221-26); and $1,560,000 for Airport noise improvements (A.I.P 27, Project No. 3-06-0221-27). (Airport Commission)

Enacted Number: 746-04
ADOPTED

Recommendations of the Land Use Committee

041389 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Baker and Broadway, making this intersection an All-Way STOP;

19th and York Streets, stopping 19th Street at York Street, making this intersection an All-Way STOP;

Douglass and Jersey Streets, stopping Jersey Street at Douglass Street, stopping the stem of this uncontrolled T-intersection;

24th Street at Treat Avenue, stopping 24th Street at Treat Avenue, making this intersection an All-Way STOP; and

17th Avenue and Moraga Street, stopping 17th Avenue at Moraga Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(10/6/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2887.)

Enacted Number: 740-04
ADOPTED

041424 **[Traffic Regulations]** Supervisor Elsbernd

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET - ESTABLISH
16th Avenue, northbound, between Rivera and Santiago Streets. (Parking and Traffic Department)

(10/6/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2887.)

Supervisor Elsbernd requested to be added as sponsor.

Enacted Number: 741-04
ADOPTED

041425 **[Parking Regulations]** Supervisor Elsbernd

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
21st Avenue, both sides, between Ocean Avenue and Sloat Boulevard (2900 block); and
Sloat Boulevard, south side, between 20th and 21st Avenues (400 block).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
21st Street, both sides, between Dolores and Guerrero Streets (3400 block).

RESIDENTIAL PERMIT PARKING AREA "U" (2--HOUR TIME LIMIT, 8 AM - 10 PM, EVERYDAY) - ESTABLISH
248-254 Ritch Street, west side, between Brannan and Bryant Streets (adds even addresses only, no permit parking signs will be posted on this block).

PARKING METER AREA NO. 3 (9 AM - 6PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Bacon Street, north side, from San Bruno Avenue to 135 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Bacon Street, north side, from 125 to 135 feet east of San Bruno Avenue.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Plum Street, north side, from Mission Street to 31 feet easterly (31-foot zone, accommodating 5 motorcycle parking spaces). (Parking and Traffic Department)

Supervisor Elsbernd requested to be added as sponsor.

Enacted Number: 742-04

ADOPTED

041510 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Sussex Street and Swiss Avenue, stopping Swiss Avenue at Sussex Street, making this uncontrolled intersection a two-way STOP;
Beulah and Shrader Streets, stopping Shrader Street at Beulah Street, making this intersection an All-Way STOP;
Broderick and Francisco Streets, stopping Broderick Street at Francisco Street, making this intersection an All-Way STOP; and
Cross and Pope Streets, stopping Pope Street at Cross Street and Cross Street at Pope Street, making this uncontrolled T-intersection an All-Way STOP. (Parking and Traffic Department)

(10-26-04: categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2895.)

Enacted Number: 744-04

ADOPTED

Recommendations of the Rules Committee

041189 **[Settlement of Bankruptcy Claims Dispute, In re METROMEDIA FIBER NETWORK, INC]** Supervisor Maxwell

Ordinance authorizing settlement at 75% of face value of disputed bankruptcy creditor claims filed by the City and County of San Francisco against Chapter 11 Debtors, In re METROMEDIA FIBER NETWORK, INC., et al., Chapter 11, Case Nos. 02-22736 (ASH) through 02-22742 (ASH), 02-22744 (ASH) through 02-22746 (ASH), 02-22749 (ASH), and 02-22751 (ASH) through 02-22754 (ASH) (Jointly Administered), (U. S. Bankruptcy Court, Southern District of New York), and directing attorney for Tax Collector to effectuate settlement.

Enacted Number: 290-04

FINALLY PASSED

041388 **[Settlement of Lawsuit - Turlock Irrigation**

District]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Turlock Irrigation District for Declaratory and Injunctive Relief to Validate Termination of Long-Term Power Sales Agreement; the City and County of San Francisco filed the lawsuit on August 13, 2001 in San Francisco Superior Court (San Francisco Superior Court Case No. 323717). (City Attorney)

Enacted Number: 285-04

FINALLY PASSED

041427 [Settlement of Lawsuit - Armstrong, et al., v. CCSF, et al.]

Ordinance authorizing settlement of claims made by James Armstrong in a multi-party action against the City and County of San Francisco for $50,000.00, placement in Step 3 of current 5173 classification, and payment of the difference between the Step 3 pay rate and the pay rate actually received by James Armstrong retroactive to April 26, 2003; the lawsuit was filed on July 9, 2001 in United States District Court, Northern District, Case No. C01-2611; entitled Armstrong, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 286-04

FINALLY PASSED

041437 [Partial Settlement of Lawsuit - Eugene Kalinin, et al.]

Ordinance authorizing partial settlement of the lawsuit filed by Tim Anderson, Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Edward Allen Ellstad, Eugene Kalinin, Daniel Manning, Sonia Mariona, William Moralez, Brian J. Perry and Jack Z. Wronski against the City and County of San Francisco for $240,000; the lawsuit was filed on November 5, 2003, in the United States District Court, Northern District of California, Case No. C-03-4928 MHP; entitled Eugene Kalinin, et al., v. City and County of San Francisco, et al; the partial settlement resolves certain claims in the lawsuit brought by plaintiffs Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Eugene Kalinin, Daniel Manning and Sonia Marion; all plaintiffs have additional claims remaining in the lawsuit. (City Attorney)

Enacted Number: 287-04

FINALLY PASSED

041442 [Settlement of Lawsuit - Andrew King v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by Andrew King against the City and County of San Francisco for $60,000; the lawsuit was filed on 10/31/03 in United States District Court, Case No. C03-4879; entitled Andrew King v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 288-04
FINALLY PASSED

041316 [Surplus City Property] Supervisors Daly, Ammiano

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.9, 23A.10 and 23A.11 to specify terms for appointed members of the Surplus Property Citizens' Advisory Committee, to clarify the requirements under Administrative Code Section 23.3 applicable to dispositions of surplus and underutilized property, and to clarify policy and procedures for dispositions of City-owned surplus and underutilized real property that is not listed on the annual Surplus Property Report.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 291-04
FINALLY PASSED

041335 [Designation of County Surveyor] Supervisors Ma, Gonzalez

Ordinance amending Administrative Code Section 2A.190 and Subdivision Code Section 1307 to designate and distinguish the official titles and duties of City Engineer and County Surveyor and amending Subdivision Code Sections 1310, 1311, 1320, 1324 through 1329, 1340, 1355, 1360 through 1364, and 1397 to reassign responsibilities from the City Engineer to the County Surveyor. (Public Works Department)

Enacted Number: 284-04
FINALLY PASSED

041551 [Settlement of Lawsuit - People v. Dynegy, et al.] Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Duke Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; the settlement provides $500,000 to San Francisco to be used for energy efficiency, renewable energy or environmental justice projects in areas

affected by electric generation in San Francisco and $172 million in benefits to California electric ratepayers, among other provisions.

Enacted Number: 289-04
FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Services Committee

041308 [Regulating the Distribution of Handbills] Supervisor Ma

Ordinance amending Article 5.7 of the Public Works Code by repealing section 184.71, which required persons distributing handbills to register and pay fees, amending section 184.73 to make violation of the ordinance an infraction instead of a misdemeanor, amending section 184.74 to permit the City to recover costs incurred in cleaning up handbills distributed in violation of the ordinance and to impose civil penalties for violations, and by renumbering sections 184.71 through 184.77.

Supervisor Ma, seconded by Supervisor McGoldrick, moved that this Ordinance be RE-REFERRED to the City Services Committee. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Land Use Committee

041385 [Street Encroachment at 199 Geary Street -

Security Pacific Place]

Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

Continued to January 25, 2005

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Rules Committee

040989 **[Granting a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America]** **Supervisors McGoldrick, Alioto-Pier, Daly, Ammiano**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12I to grant a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America.

Continued to January 11, 2005

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the City Services Committee

040561 **[Increasing the penalty for littering and nuisance violations, and providing for rewards for persons providing information leading to** **Supervisors Sandoval, Dufty, Gonzalez, Elsbernd**

collection of those penalties]

Ordinance amending the San Francisco Police Code by amending Section 37, amending the San Francisco Health Code by amending Sections 283.1, 287, and 600, and amending the San Francisco Public Works Code by amending Section 174.2, all to increase the maximum administrative penalty for littering, illegal dumping of garbage, and maintaining a nuisance from $300 to $1,000, and amending the San Francisco Administrative Code by adding Section 10.100-234, to establish a Public Works Littering and Nuisance Violation Reward Fund, to be used to reward persons who have provided information leading to the collection of those penalties.

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this **Ordinance be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041336 **[Police alarm ordinance; technical changes to billing and remittance requirements for alarm companies; limiting license fee increases to $5 increments]** Supervisor Ma

Ordinance amending the San Francisco Police Code, by amending Sections 3710.1, 3710.2, 3710.4, and 3720, to: require that alarm companies remit fees collected from customers in a single monthly check; move the billing date for license fees, beginning in 2005, from December 1 to November 1; clarify that the billing and remittance requirements of the Article only apply to those alarm monitoring companies having a direct contractual relationship with the alarm user; clarify that alarm companies shall only be held responsible for the unpaid license fees of their customers where the company has failed to take reasonable steps to collect the fees, and provide a minimum threshold of what constitutes "reasonable steps"; and, limit license fee increases to five-dollar increments. (Emergency Communications Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

From the City Services Committee "Without Recommendation"

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

041461 **[S.F. Zoo-Keeping Elephants Prohibited]** **Supervisors Gonzalez, Daly**

Ordinance adding Section 5.09 to the Park Code to prohibit the keeping of elephants at the San Francisco Zoo by any City department or contractor.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Elsbernd

Ordinance adding Section 5.09 to the Park Code to require that a City Department or contractor must request permission from the City to keep elephants at the San Francisco Zoo, and the City Department or contractor shall first complete certain improvements at the Zoo before making such a request; and requiring annual updates on the status of improvements at the Zoo, beginning in November 2005.

Supervisor Daly requested to be added as co-sponsor.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Elsbernd

041463 **[Animal Care & Control - Investigation of complaints at San Francisco Zoo]** **Supervisor Gonzalez**

Ordinance amending S. F. Health Code Sec. 41.4 to authorize the Animal Care and Control Department to investigate complaints regarding animal care at the San Francisco Zoo and to work with the General Manager of the Recreation and Park Department and the Director of the Zoo to remedy any deficiencies in animal care.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

041450 **[Commodities or services purchased with federal grant funds for the enhancement of homeland security]** Supervisors Ma, Daly

Ordinance amending San Francisco Administrative Code Section 21.5 to allow the Purchaser to develop regulations for the purchase of commodities or services using federal grant funds for the enhancement of homeland security where the purchase does not exceed $100,000.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041516 **[Issue 32 and 33 Refunding Bond Sale Resolutions, Swap Resolution and Twelfth Supplemental Resolution]**

Resolution approving the issuance of up to $875,000,000 additional aggregate principal amount of San Francisco International Airport second series revenue refunding bonds for the purpose of refinancing bonds and subordinate bonds of the Airport Commission; approving the sale of San Francisco International Airport second series revenue refunding bonds through December 31, 2007; approving the maximum interest rate, notional amount and term of interest rate swap transactions; approving the forms of certain documents relating to interest rate swap transactions and authorizing the execution and delivery thereof; approving and authorizing the use of Airport Commercial paper to pay swap termination payments and costs of issuance; approving the forms of certain documents relating to San Francisco International Airport second series variable rate revenue bonds and authorizing the execution and delivery thereof; approving certain amendments to the 1991 Master Resolution; and related matters. (Airport Commission)

Enacted Number: 733-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041517 **[Prevailing wage rates for workers on public works and improvement projects, workers performing janitorial services, workers in public off-street parking lots, garages, or storage facilities** Supervisors Daly, Ammiano

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; and (4) workers performing moving services under City contracts at facilities owned or leased by the City. (City Attorney)

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 748-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041532 **[Approval of Ground Lease and Acceptance of Easements]** **Supervisor Ma**

Resolution approving a ground lease between the City of Hayward, as landlord, and the City and County of San Francisco and East Bay Municipal Utility District, as tenants, for the construction, use and operation of an emergency pump station/intertie facility at the Hayward Executive Airport, authorizing acceptance of two easements related to the pump station/intertie facility, and adopting findings pursuant to the California Environmental Quality Act.

Enacted Number: 750-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041550 **[Increasing civil filing and appearance fees provided in Business and Professions Code for operation of the Law Library]** **Mayor**

Resolution increasing civil filing and appearance fees provided in Business and Professions Code sections 6321, 6322 and 6322.1 for operation of the Law Library.

Enacted Number: 736-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041573 **[Multifamily Housing Revenue Bonds]** **Supervisors Peskin, Daly, Ammiano**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $19,200,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of a first amendment to ground lease; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related matters.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 732-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Land Use Committee

041459 [Alternative bid process for construction trade packages for the construction of the California Academy of Sciences Facility] Supervisor McGoldrick

Ordinance authorizing the Recreation and Park Commission to implement an alternative bid process for construction trade packages for the construction of the California Academy of Sciences Facility.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendations of the Rules Committee

041395 [Notification in the Voter Information Pamphlet of a candidate's adoption of voluntary expenditure ceiling] Supervisors Gonzalez, Daly, Ammiano

Ordinance amending section 1.128 of the San Francisco Campaign and Governmental Conduct Code to specify the size and content of the notice in the Voter Information Pamphlet regarding whether a candidate has adopted the applicable voluntary expenditure ceiling.

Supervisors Ammiano and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041456 [Contribution limits for contractors doing business with the Unified School District and Community College District] Supervisors Gonzalez, Alioto-Pier, Daly, Ammiano

Ordinance amending section 1.126 of the Campaign and Governmental Conduct Code to extend the contractor contribution limits imposed by that section to contractors doing business with the San Francisco Unified School District and the San Francisco Community College District.

Supervisors Ammiano and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041572 [Board Off-site Meeting] Supervisor Ammiano

Motion ordering the City and School District Select Committee meeting of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on Monday, January 10, 2005, at 4:00 p.m. and directing the Clerk of the Board to prepare the proper notices and postings.

Enacted Number: M04-133

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Peskin, seconded by Supervisor Ammiano, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Peskin introduced, welcomed and congratulated the SF Library staff and the Friends of the Library.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to the winners of the 2004-05 Mayor's Public Managerial Excellence Awards.

COMMITTEE REPORTS

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

041533 **[CEQA Findings in Connection with the Hunters Point Shipyard Redevelopment Plan]** Mayor, Supervisor Maxwell

Resolution adopting environmental findings pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with the Hunters Point Shipyard Redevelopment Plan and related implementing actions.

Enacted Number: 751-04

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041539 **[Zoning Map Amendment in connection with Hunters Point Redevelopment Project Area]** Mayor, Supervisor Maxwell

Ordinance amending Zoning Map Sheets 9 and 9H of the City and County of San Francisco to eliminate use districts and height and bulk districts within Assessor's Block 4591A, the Hunters Point Redevelopment Plan area, and instead reference the Hunters Point Shipyard Redevelopment Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041535 **[General Plan Amendments Concerning Hunters Point Shipyard Redevelopment Plan]** Mayor, Supervisor Maxwell

Ordinance amending the San Francisco General Plan to make the General Plan consistent with the Hunters Point Shipyard Redevelopment Plan, and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041542 **[Hunters Point Shipyard- Resolution of Intent for Street Vacation]** Mayor, Supervisor Maxwell

Resolution declaring the intention of the Board of Supervisors to vacate portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Earl Street in Hunters Point Shipyard Parcel "A-1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A-2" along with public service easements in the aforementioned locations in the

Hunters Point Shipyard; setting the hearing date for all persons interested in the proposed vacation of said street areas and public service easements.

Continued to December 14, 2004

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041543 **[Hunters Point Shipyard - Street Vacation Order]** **Mayor, Supervisor Maxwell**

Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Earl Street in Hunters Point Shipyard Parcel "A-1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A-2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, and the City; accepting Department of Public Works Order No. _____; and authorizing official acts in connection with this Ordinance.

Continued to January 11, 2005 at 3:00 PM

Supervisor Maxwell, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041541 **[Hunters Point Shipyard - Health Code]** **Mayor, Supervisor Maxwell**

Ordinance adding Article 31 to the Health Code and amending sections 659, 1120.1 and 1227 of the Health Code to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and to authorize the Department of Public Health to implement these restrictions, impose penalties, and charge fees to defray the costs of implementation; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041544 **[Hunters Point Shipyard - Subdivision Code]** **Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Subdivision Code by adding the Hunters Point Shipyard Subdivision Code, Division 3, Article 1-8, Sections 1600 et seq. and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041538 **[Hunters Point Shipyard - Public Works Code]** Mayor, Supervisor Maxwell

Ordinance amending the Public Works Code to add Sections 2.3.1, 2.3.2, 2.3.3 to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and making specified findings.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041540 **[Hunters Point Shipyard - Building Code]** Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 106.3.2.5 to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041536 **[Creating a graduated code compliance plan for non-residential buildings at naval bases transferred to the City, the Redevelopment Agency, or the Treasure Island Development Authority]** Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 3409 to provide that building and structures located on the Naval Station Treasure Island (including Yerba Buena Island) and Hunters Point Naval Shipyard may comply with the requirements of the Building Code in a graduated manner over a period not to exceed seven years provided that: the buildings or structures were in existence at the time the bases were selected for closure, the Director of the Department of Building Inspection and the Fire Marshal determine that the buildings or structures are safe for their intended use and occupancy, the buildings or structures have been leased or transferred by the Federal Government to the City, the Redevelopment Agency, or the Treasure Island Development Authority, and the buildings or structures meet the code compliance inspection and graduated compliance plan requirements specified, to authorize the Department of Building Inspection and the Fire Department to charge the Redevelopment Agency or the City fees for time and materials expended in responding to requests for inspection and performing other tasks associated with the graduated compliance plan program, and to provide that this Section shall not go into effect until the graduated compliance plan has been filed with the California Building Standards Commission and shall remain in effect until

January 1, 2007 or until seven years after the lease or transfer of buildings or structures subject to this Section, as long as that lease or transfer occurs prior to January 1, 2007, unless a state statute deletes or extends the time period for a local agency to operate under a graduated code compliance plan under California Health and Safety Code Section 18941.9 and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041537 **[Hunters Point Shipyard Joint Community Facilities Agreement]** **Mayor, Supervisor Maxwell**

Resolution approving and authorizing a Joint Community Facilities Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco in furtherance of the adoption and implementation of the Redevelopment Plan for the Hunters Point Shipyard, specifically the Hunters Point Phase One Improvements, and making environmental findings.

Continued to December 14, 2004

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

Supervisor Maxwell noted absent at 5:18 p.m.

PUBLIC COMMENT

Abdullah Megaheed; general issues

Francisco di Costa: issues regarding committee reports

Espanola Jackson; Bayview Hunters Point issues

Dr. Ahimas Port Sumchai; environmental issues

Tom McDonagh; Conventions and Business Bureau and Muni issues

Public Health representative; Item 52

Toni Cox; drug related issues in her living facilities

Jakki Bryson; general issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041614 **[Children and Youth Stakeholders]** Supervisors Ma, Ammiano

Resolution urging the Mayor and the Department of Public Health to create a Proposition 63 Children and Youth Stakeholder Sub-Committee, dedicate a portion of Proposition 63 funding to fund children and youth services, and dedicate funding to Wellness Center Expansion.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 738-04

ADOPTED

041617 **[Exclusive Negotiating Agreement for Development of the Old Mint]** Supervisors Peskin, Ammiano

Resolution extending the expiration date of the Exclusive Negotiating Agreement between the City and the San Francisco Museum and Historical Society for the development of the Old Mint.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 752-04

ADOPTED

041623 **[Mayor's Office of Housing to assign staff to the Advisory Committee on Educator Housing]** Supervisor Ma

Resolution urging the Mayor to direct the Mayor's Office of Housing to assign an appropriate staff member to provide guidance, counseling and assistance to the Advisory Committee on Educator Housing being formed by the San Francisco Unified School District and the United Educators of San Francisco.

Enacted Number: 737-04

ADOPTED

041645 [Joint Zoo Committee Membership] Supervisors Dufty, Ma

Resolution urging the San Francisco Zoological Society and the Recreation and Park Commission to propose to the Board of Supervisors an amendment to the Zoo Lease and Management Agreement that would alter the composition of the Joint Zoo Committee by adding the Director of the Animal Care and Control Department as a seventh member.

Enacted Number: 739-04
ADOPTED

041646 [Declaration of Election Results] Supervisor Gonzalez

Resolution declaring the results of the November 2, 2004 Consolidated General Election.

Enacted Number: 735-04
ADOPTED

041647 [Final Map for a 8 Unit Live/Work Condominium Project - 139 Stillman Street]

Motion approving Final Map of 139 Stillman Street, A Live/Work Condominium Project, being a subdivision of Lot 125 in Assessor's Block No. 3762, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Enacted Number: M04-134
APPROVED

041649 [Final Map for a 13 Unit Residential/Commercial Condominium Project - 1540-1550 Lombard Street]

Motion approving Final Map of 1540-1550 Lombard Street, A Residential/Commercial Condominium Project, being a subdivision of Lot 27 in Assessor's Block No. 497, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,085; District 2.)

Enacted Number: M04-135
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma,

McGoldrick, Peskin, Sandoval
Absent: 1 - Maxwell

Severed From the Without Committee Reference Agenda

Supervisor Peskin requested that this matter be severed so that it might be considered separately

041618 [Emperor Norton Bridge] **Supervisors Peskin, Ammiano, Daly**

Resolution urging the California Department of Transportation and members of the California Assembly and Senate to name the new additions to the San Francisco Bay Bridge in honor of Emperor Norton I, Emperor of the United States and Protector of Mexico.

Continued to December 14, 2004

Supervisor Ammiano requested to be added as a co-sponsor.

CONTINUED.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, McGoldrick, Peskin, Sandoval
Absent: 1 - Maxwell

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma,

McGoldrick, Peskin, Sandoval
Absent: 1 - Maxwell

041686 [Commending Kym Valadez] Supervisor Daly

Resolution commending and expressing appreciation to Kym Valadez, Director of Health and Social Services, for her 20 years of dedicated social service on the occasion of her retirement from Swords to Plowshares.

Enacted Number: 753-04

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, McGoldrick, Peskin, Sandoval
Absent: 1 - Maxwell

041687 [Commending Zan Turner] Supervisor Maxwell

Resolution commending Zan Turner for her years of dedication to the City and County of San Francisco and hereby proclaiming Thursday, December 09, 2004 as Zan Turner Day.

Enacted Number: 754-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041679 [Use of Parking Meter Zones by Hybrid and Clean Air Vehicles] Supervisors Alioto-Pier, McGoldrick

Ordinance adding San Francisco Traffic Code Section 202.F to provide free use of parking meter zones by hybrid vehicles and clean air vehicles displaying a decal issued by the State of California, when it is otherwise lawful for the vehicle to park continuously in the same zone and within the prescribed time limits, from July 1, 2005 until June 30, 2006.

12/7/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 1/6/2005. 12/10/04 - Referred to Parking and Traffic for review and determination of environmental impact.

041688 [Residential Rent Ordinance, Additional Keys] Supervisor Daly

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.13 "Keys" to provide that: the landlord must provide additional keys/key-sets within fourteen (14) days of a tenant's written request unless the landlord denies the request in writing within that time period (the current ordinance does not set a deadline for providing the additional keys/key-sets), and failure to respond within the fourteen days constitutes a substantial decrease in housing services; the landlord may charge only for documented replication costs and may not require other charges or deposits or terms or conditions of any kind, and imposing such other terms or conditions constitutes a substantial decrease in housing services; a tenant's petition to the Rent Board to decide a disputed request may include a failure to respond within fourteen days, or a disagreement regarding terms or conditions for the additional keys/key-sets; and, unreasonable denial of additional keys/key-sets also constitutes a "substantial" decrease in housing services (the word "substantial" is new in this provision).

12/7/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 1/6/2005.

041695 [Creating an official holiday for March 31st, the birthday of Cesar Chavez] Supervisors Gonzalez, Sandoval, Ammiano, Dufty

Draft ordinance amending Chapter 16, Article 1 of the San Francisco Administrative Code by amending section 16.5 to rename the official holiday of March 31st Cesar Chavez and Dolores Huerta Day.

12/7/04, RECEIVED AND ASSIGNED to Rules Committee.

041005 [Pedestrian Protections] Supervisors Ma, Alioto-Pier, Dufty

Ordinance adding Sections 71, 73, 75, and 79 to the San Francisco Traffic Code to require the Director of Parking and Traffic to: (1) install countdown pedestrian signals and ladder striped crosswalks, (2) designate specific crosswalk signal crossing times, and (3) upon the recommendation of the Pedestrian Safety Advisory Committee, install one hundred signs a year for three years informing the public regarding prohibited sidewalk activities; amending Section 703 of the San Francisco Public Works Code to require: (1) all curb heights and adjacent sidewalks be a minimum height of six to eight inches as measured from the gutter by June 30, 2024, and (2) a citywide survey of curb heights and adjacent sidewalks be conducted by the San Francisco Department of Public Works by June 30, 2007, in order to prioritize the work process; and adding Sections 703.3 and 703.4 to the San Francisco Public Works Code to require the Director of Public Works to install: (1) corner curb bulb-outs on Geary Boulevard, Mission Street, Geneva Avenue, and at the intersections of Dr. Carlton B. Goodlett Place and McAllister and Grove Streets, as permitted by state and local law, by June 30, 2009, and (2) ADA compliant curb-cut ramps on every sidewalk corner in the City by June 30, 2014.The requirements and schedules for installation of certain devices and improvements must be consistent with the subsequent San Francisco Pedestrian Master Plan and Proposition K 5-Year Funding Priority Program to become effective.

(12/7/04 in Board: Supervisor Ma submitted a substitute ordinance bearing new title.) (Fiscal impact.)

7/13/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/12/2004.

8/11/04, REFERRED TO DEPARTMENT. Referred to Department of Parking and Traffic for environmental review.

12/7/04, SUBSTITUTED. Supervisor Ma submitted a substitute ordinance bearing new title.

12/7/04, ASSIGNED to Land Use Committee. 12/10/04 - Referred to Parking and Traffic for review and determination of environmental impact. 12/15/04-Referred to Planning Department for determination of environmental impact.

Resolutions

041680 **[Supporting the Demands of Caregivers at Sutter Health Hospitals]** **Supervisors Peskin, Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, McGoldrick, Sandoval, Ma**

Resolution urging Sutter Health to join other northern California hospital systems to adopt new policies to better meet patient and Caregiver needs.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041681 **[Commending Deputy City Attorney Kevin Scott Dickey]** **Supervisor Dufty**

Resolution commending Kevin Scott Dickey for eight years of exemplary public service to San Francisco as a Deputy City Attorney, and wishing him well in his future endeavors at Meyers Nave Riback Silver & Wilson.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041684 **[Traffic Regulations - Various Streets]** **Supervisor Dufty**

Resolution enacting and rescinding traffic regulations on various streets.

NO PARKING ANYTIME - RESCIND
West side of Potomac Street, from Waller Street to the southern property line
of #53 Potomac Street
.
TOW-AWAY NO PARKING ANYTIME - ESTABLISH
West side of Potomac Street, from Waller Street to the southern property line

of #53 Potomac Street.

(12/7/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or results in more than a negligible increase in the use of the street.)

12/7/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/10/04 - Referred to Parking and Traffic for review.

041685 **[Wells Fargo Loan for Fa‡ade Improvement Program]** Supervisors Elsbernd, Dufty

Resolution approving the City's acceptance of a $500,000 Loan from Wells Fargo Bank for the purpose of providing low-interest Fa‡ade Improvement Loans in low-income neighborhoods of San Francisco.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041689 **[Polk Street Bicycle Lane]** Supervisor Daly

Resolution establishing contra flow bicycle lanes on the east side of Polk Street from Market Street to McAllister Street.

12/7/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/10/04 - Referred to Parking and Traffic for review and determination of environmental impact.

041690 **[Townsend Street Bicycle Lanes]** Supervisor Daly

Resolution establishing bicycle lanes on Townsend Street from Second Street to Eighth Street.

(Fiscal impact.)

12/7/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/10/04 - Referred to Parking and Traffic for review and determination of environmental impact.

041691 **[Market Street Bicycle Lane]** Supervisor Daly

Resolution establishing a bicycle lane on Market Street from 17th Street to Octavia Street.

12/7/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/10/04 - Referred to Parking and Traffic for review and determination of environmental impact.

041692 **[Urging removal of 3 parking spaces at corner of Fell and Masonic]** Supervisor Gonzalez

Resolution urging the Department of Parking and Traffic to remove 3 parking

spaces on the south side of Fell Street at the intersection of Fell and Masonic Avenue to create a 50 foot no parking zone, enabling greater visibility of cyclists and pedestrians as motorists turn left.

12/7/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/10/04 - Referred to Parking and Traffic for review.

041693 **[Creating an official holiday for March 31st, the birthday of Cesar Chavez]** **Supervisors Gonzalez, Sandoval, Ammiano**

Draft resolution declaring March 31 "Cesar Chavez and Dolores Huerta Day."

12/7/04, RECEIVED AND ASSIGNED to Rules Committee.

041694 **[Urging a new trial for Mumia Abu-Jamal]** **Supervisor Gonzalez**

Resolution urging a new trial for Mumia Abu-Jamal.

12/7/04, RECEIVED AND ASSIGNED to Rules Committee.

041696 **[Accept-Expend Federal Grant]** **Supervisors Elsbernd, Dufty**

Resolution Authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Department of Justice - Office of Community Oriented Policing for a project entitled "U.S. Department of Justice - Universal Hiring Program."

12/7/04, RECEIVED AND ASSIGNED to City Services Committee.

041697 **[Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Elder Abuse]** **Supervisors Peskin, Elsbernd**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $110,000 through the California Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Special Emphasis Victim Assistance Program: Elder Abuse."

12/7/04, RECEIVED AND ASSIGNED to City Services Committee.

041698 **[Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program - Homicide]** **Supervisors Maxwell, Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $110,000 through the California Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Special Emphasis Victim Assistance Program-Homicide."

12/7/04, RECEIVED AND ASSIGNED to City Services Committee.

041701 **[Supporting AB19 - Religious Freedom and Civil Marriage Act]** Supervisors Ammiano, Dufty, Daly

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 19 (AB19), the "Religious Freedom and Civil Marriage Act", which defines marriage as a civil contract between two people.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041702 **[United Church of Christ Ad]** Supervisors Ammiano, Dufty, Daly

Resolution urging CBS and NBC to rescind their decisions to reject airing of the United Church of Christ advertisement promoting tolerance and acceptance of same-sex couples.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041704 **[Commending John Arntz and the Department of Elections]** Supervisors Elsbernd, Maxwell, Alioto-Pier, Dufty

Resolution commending John Arntz and the Department of Elections for their outstanding accomplishments.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041705 **[Urging the City Controller to provide comprehensive information regarding City Committees, Subcommittees, Task Forces and Boards]** Supervisors Gonzalez, Peskin

Resolution urging the City Controller to provide comprehensive information regarding City Committees, Subcommittees, Task Forces and Boards.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041706 **[Accept-Expend Federal/State Grant - Threat Management/Stalking Vertical Prosecution Program]** Supervisors Ma, Dufty

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $116,638 through the Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Threat Management/Stalking Vertical Prosecution Program."

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

041707 [Commending David Hardiman] Supervisors Ma, Peskin

Resolution commending David Hardiman on the occasion of his retirement.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041708 [Accept-Expend Federal Grant - Gang Resistance Education and Training (G.R.E.A.T.)] Supervisors Maxwell, Dufty

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Bureau of Justice Assistance, Office of Justice Programs for a project entitled Gang Resistance Education and Training (G.R.E.A.T.).

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041709 [Endorsing efforts between WestEd, Stanford Medical Center, and the SFUSD to collaborate on a five year research study on trauma] Supervisors Maxwell, Dufty

Resolution endorsing efforts between WestEd, Stanford Medical Center, and the San Francisco Unified School District to collaborate on a five year research study on trauma and its effects on learning and executive functions in hopes of improving the cognitive learning functions of children effected by violence.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041710 [Accept-Expend Federal Grant - Spousal Abuser Prosecution Program] Supervisors Alioto-Pier, Dufty

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $95,033 through the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program."

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041721 [Apply for Whale Tail State Grant from the California Coastal Commission] Supervisor Maxwell

Resolution authorizing the Department of the Environment to apply for a grant in the amount of $50,000 from the California Coastal Commission for teaching San Francisco students about water pollution prevention and protecting our bay, ocean and coast.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

041722 [Support Smoke Free Movies] Supervisors Maxwell, Daly

Resolution supporting smoke free movies.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041723 [Commending the San Francisco Public Library for Prop 14 Funds] Supervisors Peskin, Elsbernd, Sandoval, McGoldrick, Dufty, Ma

Resolution commending the San Francisco Public Library for securing $9.7 million from state Proposition 14 funds for the renovation of the historic Richmond branch library and construction of a new Ingleside branch library.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041676 [Needs and concerns of San Francisco's growing Gay, Lesbian, Bisexual and Transgender Senior populations] Supervisor Dufty

Hearing regarding the needs and concerns of San Francisco's growing Gay, Lesbian, Bisexual and Transgender Senior populations.

12/7/04, RECEIVED AND ASSIGNED to City Services Committee.

041677 [Ranked-choice voting outreach and education services grant program] Supervisor Ma

Hearing to review and discuss the Department of Election's ranked-choice voting outreach and education services grant program for the November 2, 2004 election.

12/7/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041682 [Implementation of work plans at the Department of Recreation and Park] Supervisors Dufty, Peskin

Hearing to consider implementation of work plans at the Department of Recreation and Park.

12/7/04, RECEIVED AND ASSIGNED to City Services Committee.

041683 [Automatic External Defibrillators] Supervisor Daly

Hearing to review the Legislative Analyst Report "Local Government Programs for siting Automatic External Defibrillators (AED) in Public Spaces," and to discuss plans for siting AED's in San Francisco with special emphasis on access to AED's in public buildings and settings.

12/7/04, RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be scheduled for consideration at the December 16, 2004 meeting.

Motions

041699 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041700 [Emergency Declaration Concurrence Influenza Vaccine] Mayor

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

12/7/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041703 [Webpage enhancement and maintenance for the Board of Supervisors] Supervisor Daly

Motion amending the Rules of Order of the Board of Supervisors by amending Rule 6.22, which governs the provision and maintenance of the Webpage of the Board of Supervisors, by amending the composition of the "Welcome Page."

12/7/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

041524 [Parking Regulations-Hall of Justice]

Ordinance amending San Francisco Traffic Code Section 32.6.7 to restrict parking on Bryant Street between Harriet Street and 7th Street to only marked SFPD vehicles or displaying a permit issued by the Chief of Police. (Parking and Traffic Department)

11/30/04, RECEIVED AND ASSIGNED to Land Use Committee.

041606 [Settlement of Lawsuit - Eugene Duffy]

Ordinance authorizing settlement of the lawsuit filed by Eugene Duffy against the City and County of San Francisco for $30,000; the lawsuit was filed on June 13, 2003, in San Francisco Superior Court, Case No. 421395; entitled Eugene Duffy, et al., v. City and County of San Francisco, et al. (City Attorney)

11/19/04, RECEIVED AND ASSIGNED to Rules Committee.

041629 [Changing the Official Sidewalk Width along Portions of Illinois Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1563 to change the official sidewalk widths from the intersection of Illinois and 25th Streets to the intersection of Illinois and Cesar Chavez Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

11/24/04, RECEIVED AND ASSIGNED to Land Use Committee.

041630 [Eliminating the Office of Emergency Services Revolving Fund.] Supervisor Ma

Ordinance amending the San Francisco Administrative Code by repealing Section 10.142, to eliminate the Office of Emergency Services Revolving Fund. (Emergency Communications Department)

11/24/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041635 [CCP 998 Offer of Settlement of Lawsuitt - Paul R. Lozada v. CCSF]

Ordinance authorizing CCP 998 offer of settlement of the lawsuit filed by Paul R. Lozada against the City and County of San Francisco for $100,000; the lawsuit was filed on October 29, 2003 in San Francisco Superior Court, Case No. 03-42588; entitled Paul R. Lozada v. City and County of San Francisco, et al. (City Attorney)

11/29/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041564 **[Approval of Lease with American Airlines, Inc. for a portion of Plot 40 and Superbay Hangar]**

Resolution approving and authorizing the execution of a Lease with American Airlines, Inc., for a portion of Plot 40 and space in the Superbay Hangar. (Airport Commission)

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041631 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Walnut Street and Pacific Avenue, stopping northbound Walnut Street at Pacific Avenue, making this T-intersection an All-Way STOP; and

30th Avenue and Lake Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(11/29/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2912.)

11/29/04, RECEIVED AND ASSIGNED to Land Use Committee.

041632 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

TOW-AWAY LANE MUST TURN RIGHT, EXCEPT MUNI - ESTABLISH
Lincoln Way, south side, from 19th Avenue to a point 100 feet westerly.

ONE-WAY STREET - ESTABLISH
Vandewater Street, westbound, between Mason and Powell Streets.

BICYCLE LANES - ESTABLISH
Fell Street, from Scott Street to Baker Street. (Parking and Traffic Department)

(11/29/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2912.)

11/29/04, RECEIVED AND ASSIGNED to Land Use Committee.

041633 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING FROM 10 PM TO 6 AM - ESTABLISH
Florida Street terminus, north of 15th Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Florida Street, west side of the easterly divided roadway, from 210 feet south of 15th Street, northerly to a point 18 feet south of the roadway terminus.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
15th Street, north side, from Florida to Bryant Streets.

PERPENDICULAR (90-DEGREE ANGLE) PARKING ESTABLISH
Florida Street terminus, north of 15th Street;

Van Dyke Avenue, north side, between Keith and Jennings Streets; and

Divisadero Street, both sides, from 240 feet north of 14th Street to 240 feet south of Duboce Avenue.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND
Lincoln Way, south side, from 20th Avenue to a point approximately 100 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lincoln Way, south side, from 19th Avenue to a point 100 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Rousseau Street, east side, from San Jose Avenue to 55 feet southerly; and

Rousseau Street, west side, from San Jose Avenue to Bosworth Street.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Carl Street, north side, from 13 feet to 27 feet east of Willard Street (accommodating 4 motorcycles while addressing sight distance concerns at the intersection); and

Page Street, north side, between the driveways of 940 and 932 - 936 Page Street, accommodating two unmetered motorcycle parking spaces.

TOW-AWAY, NO STOPPING, 7 AM - 7 PM, EVERYDAY - RESCIND
TOW-AWAY, NO STOPPING, 3 PM - 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
McAllister Street, north side, from Gough Street to 60 feet easterly

NO PARKING ANYTIME - ESTABLISH
Mansell Street, median noses, east and west sides, at Girard, Brussels, Goettingen, Somerset, Hamilton and Bowdoin Streets.

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Bryant Street, both sides, between 15th and 16th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Gennessee Street, west side, from Monterey Boulevard to 19 feet southerly.

1-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
20th Street, both sides, between Capp and Valencia Streets (parking meters to remain).

TOW-AWAY, MONDAY THROUGH FRIDAY, 4 PM TO 6 PM - RESCIND
Fell Street, south side, from Laguna Street to Scott Street.

TOW-AWAY, MONDAY-FRIDAY, 4 PM-7 PM - ESTABLISH
Fell Street, south side, from Divisadero Street to 125 feet easterly.

RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Capp Street, both sides, between 17th and 18th Streets (200 block) (excludes the thru-lot of 2155 Mission Street).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 25th and Jersey Streets (1200 block); Duncan Street, both sides, between Sanchez Street and

11/29/04, RECEIVED AND ASSIGNED to Land Use Committee.

041634 [Settlement of Unlitigated Claim]

Resolution approving the settlement of the unlitigated Claim No. 04-03446 filed by National Mutual Insurance Company as subrogee for the Chinese American War Veterans on May 10, 2004 against the City and County of San Francisco for $61,192.99. (City Attorney)

11/29/04, RECEIVED AND ASSIGNED to Rules Committee.

In Memoriams

Beverly Kees (Supervisor Daly)

F. Darrin Perry (Supervisor Dufty)

Kathryn "Bonnie" Kathman (Supervisor Sandoval)

ADJOURNMENT

There being no further business, the Board at the hour of 5:38 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 4, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
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翻譯 *必須在會議前最少四十八小時提出要求*
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4/04

MEETING MINUTES

Tuesday, December 14, 2004
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt*

Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll Supervisors Alioto-Pier, Ammiano and Dufty were noted absent.

Quorum present.

Supervisor Dufty was noted present at 2:09 p.m.

Supervisor Ammiano was noted present at 2:10 p.m.

Supervisor Alioto-Pier was noted present at 2:13 p.m.

APPROVAL OF MEETING MINUTES

It was decided to to approve the November 16, 2004 Meeting Minutes.

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

040561 **[Increasing the penalty for littering and nuisance violations, and providing for rewards for persons providing information leading to collection of those penalties]** **Supervisors Sandoval, Dufty, Gonzalez, Elsbernd, Ma**

Ordinance amending the San Francisco Police Code by amending Section 37, amending the San Francisco Health Code by amending Sections 283.1, 287, and 600, and amending the San Francisco Public Works Code by amending Section 174.2, all to increase the maximum administrative penalty for littering, illegal dumping of garbage, and maintaining a nuisance from $300

to $1,000, and amending the San Francisco Administrative Code by adding Section 10.100-234, to establish a Public Works Littering and Nuisance Violation Reward Fund, to be used to reward persons who have provided information leading to the collection of those penalties.

Enacted Number: 292-04
FINALLY PASSED

041336 **[Police alarm ordinance; technical changes to billing and remittance requirements for alarm companies; limiting license fee increases to $5 increments]** Supervisor Ma

Ordinance amending the San Francisco Police Code, by amending Sections 3710.1, 3710.2, 3710.4, and 3720, to: require that alarm companies remit fees collected from customers in a single monthly check; move the billing date for license fees, beginning in 2005, from December 1 to November 1; clarify that the billing and remittance requirements of the Article only apply to those alarm monitoring companies having a direct contractual relationship with the alarm user; clarify that alarm companies shall only be held responsible for the unpaid license fees of their customers where the company has failed to take reasonable steps to collect the fees, and provide a minimum threshold of what constitutes "reasonable steps"; and, limit license fee increases to five-dollar increments. (Emergency Communications Department)

Enacted Number: 297-04
FINALLY PASSED

Recommendation of the Finance and Audits Committee

041450 **[Commodities or services purchased with federal grant funds for the enhancement of homeland security]** Supervisors Ma, Daly

Ordinance amending San Francisco Administrative Code Section 21.5 to allow the Purchaser to develop regulations for the purchase of commodities or services using federal grant funds for the enhancement of homeland security where the purchase does not exceed $100,000.

Enacted Number: 296-04
FINALLY PASSED

Recommendation of the Land Use Committee

041459 [Alternative bid process for construction trade packages for the construction of the California Academy of Sciences Facility] Supervisor McGoldrick

Ordinance authorizing the Recreation and Park Commission to implement an alternative bid process for construction trade packages for the construction of the California Academy of Sciences Facility.

Enacted Number: 295-04

FINALLY PASSED

Recommendations of the Rules Committee

041395 [Notification in the Voter Information Pamphlet of a candidate's adoption of voluntary expenditure ceiling] Supervisors Gonzalez, Daly, Ammiano

Ordinance amending section 1.128 of the San Francisco Campaign and Governmental Conduct Code to specify the size and content of the notice in the Voter Information Pamphlet regarding whether a candidate has adopted the applicable voluntary expenditure ceiling.

Enacted Number: 293-04

FINALLY PASSED

041456 [Contribution limits for contractors doing business with the Unified School District and Community College District] Supervisors Gonzalez, Alioto-Pier, Daly, Ammiano

Ordinance amending section 1.126 of the Campaign and Governmental Conduct Code to extend the contractor contribution limits imposed by that section to contractors doing business with the San Francisco Unified School District and the San Francisco Community College District.

Enacted Number: 294-04

FINALLY PASSED

041484 [Settlement of the Lawsuit - Pamela Nash]

Ordinance authorizing settlement of the lawsuit filed by Pamela Nash against the City and County of San Francisco for $100,000; the lawsuit was filed on February 7, 2003, in the United States District Court, Northern District of California, Case No. C-03-01221-CW; entitled Pamela Nash v. City and County of San Francisco, et. al.

PASSED, ON FIRST READING

041514 **[Settlement of Claim - Jon Wesley Hopkins]**

Resolution approving the settlement of the unlitigated claim filed by Jon Wesley Hopkins against San Francisco for $35,000; claim was filed on August 4, 2004. (City Attorney)

Enacted Number: 769-04

ADOPTED

041050 **[Appointment - Veterans Affairs Commission]**

Resolution appointing Brian Zweir, term ending January 31, 2006, to the Veterans Affairs Commission.

Brian Zweir, succeeding Christopher Michel, resigned, seat 10, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2006.

Enacted Number: 768-04

ADOPTED

041668 **[Appointment - Commission on the Aging Advisory Council]**

Resolution appointing Luis Calderon, term ending March 31, 2006, to the Commission on the Aging Advisory Council.

Luis Calderon, succeeding himself, term expired, seat 7, must be nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2006.

Enacted Number: 771-04

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell,

McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier

UNFINISHED BUSINESS

REGULAR AGENDA

From the City Services Committee "Without Recommendation"

041461 **[S.F. Zoo-Keeping Elephants Prohibited]** **Supervisors Gonzalez, Dufty, Daly**

Ordinance adding Section 5.09 to the Park Code to require that a City Department or contractor must request permission from the City to keep elephants at the San Francisco Zoo, and the City Department or contractor shall first complete certain improvements at the Zoo before making such a request; and requiring annual updates on the status of improvements at the Zoo, beginning in November 2005.

Enacted Number: 305-04

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Elsbernd
Absent: 1 - Alioto-Pier

Recommendations of the Land Use Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

041539 **[Zoning Map Amendment in connection with Hunters Point Redevelopment Project Area]** Mayor, Supervisor Maxwell

Ordinance amending Zoning Map Sheets 9 and 9H of the City and County of San Francisco to eliminate use districts and height and bulk districts within Assessor's Block 4591A, the Hunters Point Redevelopment Plan area, and instead reference the Hunters Point Shipyard Redevelopment Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Enacted Number: 301-04

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041535 **[General Plan Amendments Concerning Hunters Point Shipyard Redevelopment Plan]** Mayor, Supervisor Maxwell

Ordinance amending the San Francisco General Plan to make the General Plan consistent with the Hunters Point Shipyard Redevelopment Plan, and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Enacted Number: 298-04

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041541 **[Hunters Point Shipyard - Health Code]** Mayor, Supervisor Maxwell

Ordinance adding Article 31 to the Health Code and amending sections 659, 1120.1 and 1227 of the Health Code to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and to authorize the Department of Public Health to implement these restrictions, impose penalties, and charge fees to defray the costs of implementation; and making environmental findings.

Enacted Number: 303-04

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041544 **[Hunters Point Shipyard - Subdivision Code]** Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Subdivision Code by adding the Hunters Point Shipyard Subdivision Code, Division 3, Article 1-8, Sections

1600 et seq. and making environmental findings.

Enacted Number: 304-04

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041538 [Hunters Point Shipyard - Public Works Code] Mayor, Supervisor Maxwell

Ordinance amending the Public Works Code to add Sections 2.3.1, 2.3.2, 2.3.3 to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and making specified findings.

Enacted Number: 300-04

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041540 [Hunters Point Shipyard - Building Code] Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 106.3.2.5 to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and making environmental findings.

Enacted Number: 302-04

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041536 [Creating a graduated code compliance plan for non-residential buildings at naval bases transferred to the City, the Redevelopment Agency, or the Treasure Island Development Authority] Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 3409 to provide that building and structures located on the Naval Station Treasure Island (including Yerba Buena Island) and Hunters Point Naval Shipyard may comply with the requirements of the Building Code in a graduated manner over a period not to exceed seven years provided that: the buildings or structures were in existence at the time the bases were selected for closure, the Director of the Department of Building Inspection and the Fire Marshal determine that the buildings or structures are safe for their intended use and occupancy, the buildings or structures have been leased or transferred by the Federal Government to the City, the Redevelopment Agency, or the

Treasure Island Development Authority, and the buildings or structures meet the code compliance inspection and graduated compliance plan requirements specified, to authorize the Department of Building Inspection and the Fire Department to charge the Redevelopment Agency or the City fees for time and materials expended in responding to requests for inspection and performing other tasks associated with the graduated compliance plan program, and to provide that this Section shall not go into effect until the graduated compliance plan has been filed with the California Building Standards Commission and shall remain in effect until January 1, 2007 or until seven years after the lease or transfer of buildings or structures subject to this Section, as long as that lease or transfer occurs prior to January 1, 2007, unless a state statute deletes or extends the time period for a local agency to operate under a graduated code compliance plan under California Health and Safety Code Section 18941.9 and making environmental findings.

Enacted Number: 299-04

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041537 [Hunters Point Shipyard Joint Community Facilities Agreement] Mayor, Supervisor Maxwell

Resolution approving and authorizing a Joint Community Facilities Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco in furtherance of the adoption and implementation of the Redevelopment Plan for the Hunters Point Shipyard, specifically the Hunters Point Phase One Improvements, and making environmental findings.

Enacted Number: 773-04

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041542 [Hunters Point Shipyard- Resolution of Intent for Street Vacation] Mayor, Supervisor Maxwell

Resolution declaring the intention of the Board of Supervisors to vacate portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Earl Street in Hunters Point Shipyard Parcel "A-1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A-2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; setting the hearing date for all persons interested in the proposed vacation of said street areas and public service easements.

Enacted Number: 734-04

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

041270 [Parking Regulations] **Supervisor McGoldrick**

Resolution enacting and rescinding parking regulations at various locations.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
O'Farrell Street, north side, from Van Ness Avenue to Polk Street, eliminating 13 parking meters.

TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Polk Street to Larkin Street.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
820 O'Farrell Street at Larkin Street, northwest corner, from Larkin Street to 94 feet westerly eliminating parking meter nos. 802, 804, 806 and 808, (to create a 94-foot left turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
895 O'Farrell Street at Polk Street, southeast corner, from 81 feet to 99 feet east of Polk Street, extending bus zone by 18 feet).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Larkin Street to Hyde Street (establishing eleven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Larkin Street to Hyde Street (establishing ten parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
709 O'Farrell Street at Hyde Street, southwest corner, from Hyde Street to 90 feet westerly, (to create a 90-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Hyde Street to Leavenworth Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Hyde Street to Leavenworth Street (establishing seven parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH

O'Farrell Street, south side, from Hyde Street to Leavenworth Street (establishing six parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
608 O'Farrell Street at Leavenworth Street, northwest corner side, from Leavenworth Street to Harlem Alley, (to create a 76-foot left-turn pocket during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH
501 O'Farrell Street at Jones Street, southwest corner, from Jones Street to 96 feet westerly, (to create a 96-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, north side, from Leavenworth Street to Jones Street (establishing nine parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
O'Farrell Street, south side, from Leavenworth Street to Jones Street (establishing nine parking meters).

NO STOPPING ANYTIME - REVOKE
METERED YELLOW ZONE, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH
340 O'Farrell Street, north side, from 245 feet to 289 feet east of Taylor Street (44-foot zone establishing two meters).

NO STOPPING ANYTIME - REVOKE
GENERAL METERED PARKING, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY

Enacted Number: 766-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041271 [Traffic Regulations] Supervisor McGoldrick

Resolution enacting and rescinding traffic regulations on various streets.

TRANSIT (CURB) LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Hyde and Leavenworth Streets.

TOW AWAY NO STOPPING, BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
O'Farrell Street, south side, between Leavenworth and Jones Streets.

TOW AWAY LANE (NORTH SIDE) - BUSES, TAXIS AND RIGHT TURNS ONLY, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - REVOKE
RIGHT LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH
300 block of Geary Street (transit lane).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

Enacted Number: 767-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Finance and Audits Committee

041466 **[Extending the Yerba Buena Center Redevelopment Plan by One Year]** **Supervisor Daly**

Ordinance amending the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the Yerba Buena Center Redevelopment Plan and the time limit to receive property taxes and repay indebtedness pursuant to Senate Bill 1045.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041492 **[Appropriate funding from the Department of Human Services to increase available funding in the Department of Public Health for self-help services to the homeless]** **Supervisor Daly**

Ordinance appropriating $283,809 from the General Fund Reserve to fund peer based self-help services for chronically homeless people in the Tenderloin for the Department of Public Health for fiscal year 2004-2005.

(Fiscal impact.)

Amended by replacing "funding from General Fund Reserve" with "from the Department of Human Services". New Title.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell

Ordinance appropriating $283,809 from the Department of Human Services to fund peer based self-help services for chronically homeless people in the Tenderloin for the Department of Public Health for fiscal year 2004-2005.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 8, 2005. Therefore, the Board will loose the ability to override the veto unless it votes on or before February 8, 2005. (Fiscal impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

041583 [Appropriate fund balance for the Port of San Francisco's Pier 35 Security Enhancements Project (Port's Cruise Ship Terminal)] Mayor

Ordinance appropriating $980,349 of unappropriated fund balance from the Port for the Pier 35 Security Enhancement Project, the Port's Cruise Ship Terminal, to fund the second phase of the construction contract for Fiscal Year 2004-05.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041588 [License Fees] Supervisor Daly

Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, and 249.12, relating to fees for licenses or permits for inspections by the Department of Public Health.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Gonzalez

041522 [Amendment to Paratransit Broker Agreement]

Resolution approving Amendment No. 4 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to extend the current five-year contract for three years, through March 31, 2008, and to increase the contract amount by $65,379,606, for a total contract amount not to exceed $158,021,539. (Municipal Transportation Agency)

(Fiscal impact).

Enacted Number: 770-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041612 [Creating a Community Choice Aggregation Citizens Advisory Task Force] Supervisors Ammiano, Daly

Resolution creating a citizens advisory task force to advise the City and County of San Francisco regarding the design and implementation of a Community Choice Aggregation program in accordance with ordinance 86-04.

Supervisor Daly requested to be added as co-sponsor.

Enacted Number: 757-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041621 [Establishing an Arts Task Force to Advise Board of Supervisors and Mayor] Supervisors Ammiano, Daly

Resolution establishing an Arts Task Force to make recommendations to the Board of Supervisors and Mayor and setting forth the membership and duties of the Task Force.

Supervisor Daly requested to be added as co-sponsor.

Enacted Number: 781-04

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma

Recommendations of the Land Use Committee

041067 [Amending Planning Code Section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District] Supervisors Gonzalez, Daly

Ordinance to amend the Planning Code by amending section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Supervisor Daly requested to be added as co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma
Excused: 1 - Alioto-Pier

Supervisor McGoldrick noted present at 5:10 p.m.

041393 [Showplace Square Interim Controls] Supervisors Maxwell, Daly

Resolution imposing for twelve months interim zoning controls on specific lots within Showplace Square generally bounded by 7th, Bryant, Potrero and 25th Streets and within the area identified as Production Cluster on the accompanying map that would (a) consider production, distribution and repair (PDR) a principal use if PDR activities occupy 50 percent or more of the total occupied space of the property, (b) permit office, retail and housing uses subject to certain conditions, and (c) permit displacement of PDR space or demolition of an industrial building only if it is demonstrated that the building is unsound or if the new building increases the amount of PDR space; imposing the same controls as nonbinding policies on specific lots within the Showplace Square area that are identified as Design Cluster on the accompanying map, except that design PDR are strongly encouraged and the displacement of PDR space and demolition of an industrial building are particularly discouraged in the case of an historical brick building; adopting findings.

Amended on page 10, line 14, by inserting "FURTHER RESOLVED, That, these interim controls and policies shall not apply to any Development Project for which an Environmental Application was submitted prior to November 23, 2004 and which does not require rezoning or a General Plan amendment."

Supervisor Dufty, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 6 - Daly, Dufty, Elsbernd, Gonzalez, Ma, Sandoval
Noes: 5 - Alioto-Pier, Ammiano, Maxwell, McGoldrick, Peskin

Supervisor Daly requested to be added as co-sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Alioto-Pier Excused

President Gonzalez announced he had excused Supervisor Alioto-Pier from the remainder of the meeting.

Recommendations of the Rules Committee

041487 **[Mayor's Office on Disability]** **Supervisors Alioto-Pier, Daly**

Ordinance amending the San Francisco Administrative Code by amending the title to Chapter 2A, Article 1 to add the Department of Administrative Services and by adding a new Section 2A.22 to Chapter 2A, Article 1 to create the Mayor's Office on Disability and place it within the Department of Administrative Services and empower the Mayor's Office on Disability to issue, subject to approval by ordinance of the Board of Supervisors, policies and procedures with respect to compliance with the Americans with Disabilities Act (Public Law 101-336) and other disability rights laws and disability access regulations and codes.

Supervisor Daly requested to be added as co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Elsbernd, seconded by Supervisor Peskin, moved to rescind the previous vote.

Motion to rescind the previous vote carried without objection.

041579 **[Charter Amendment Deadlines]** **Supervisor Elsbernd**

Ordinance amending Section 305 of the Elections Code to require

introduction of proposed Charter Amendments not less than 210 days prior to an election and to require an informational committee hearing regarding the proposed Charter Amendment no earlier than 30 days nor later than 60 days after introduction of the proposed Charter Amendment.

Supervisor Gonzalez dissented in Committee.

Continued to January 11, 2005

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Daly Excused From Voting

Supervisor Peskin, seconded by Supervisor Elsbernd, moved to excuse Supervisor Daly from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Alioto-Pier

041669 **[Appointment - Bay Area Air Quality Management District Board of Directors]**

Resolution appointing Supervisor Chris Daly, term ending February 1, 2009, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Chris Daly, succeeding himself, term expiring February 1, 2005, seat 2, must be a member of the Board of Supervisors, for a new four-year term ending February 1, 2009.

Enacted Number: 756-04

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Alioto-Pier, Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

041678 **[Fourth Annual Youth Recognition Day]**

Fourth Annual Youth Recognition Day Presentation. (Clerk of the Board)

Speakers:

Max Lantz, Chair of the SF Youth Commission

Paula Lykins, Senator Jackie Speier's Office

Francisco Castillo, Mayor's Office of Communications

Dr. Dan Kelly, President of the Board of Education

Supervisor Chris Daly

Assemblyman Mark Leno

David Abella (Supervisor Elsbernd)

Maria Zaragoza (Supervisor Ma)

Cloteal Norman (Supervisor Maxwell)

Benish Kahn (Supervisor McGoldrick)

Anna Chen (Supervisor Peskin)

Elizabeth Thompson (Supervisor Sandoval)

Lily Marshall-Fricker (Supervisor Alioto-Pier)

Salvador Rodriquez (Supervisor Ammiano)

Israel Toro (Supervisor Daly)

Monica Magoto (Supervisor Dufty)

Chantel Elmore (Supervisor Gonzalez)
HEARD AT PUBLIC HEARING.

Privilege of the Floor

It was decided to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Sandoval welcomed and introduced students from the 4th and 5th Grade from San Francisco Community School.

Gloria L. Young, Clerk of the Board, welcomed, introduced and presented a Proclamation for public service to Donna Hall, Administrator of the Sunshine Ordinance Task Force in recognition of her retirement.

Gloria L. Young, Clerk of the Board, welcomed, introduced and presented a

Proclamation for public service with the Clerk of the Board's Office to Monica Fish.

SPECIAL ORDER 4:00 P.M.

041275 **[Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

Continued to January 25, 2005 at 4:00 p.m

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041276 **[Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 25, 2005 at 4:00 p.m.

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

041277 **[Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 25, 2005 at 4:00 p.m.

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

041278 **[Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 25, 2005 at 4:00 p.m.

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Dufty

SPECIAL ORDER 5:00 P.M.

041652 **[Public Hearing - Appeal, Conditional Use - 829 Folsom Street]**

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 16872 dated October 21, 2004, approving a conditional use authorization, Case No. 2003.0304C to: (1) Allow an 85-foot tall structure

above the 40-foot base height under Planning Code Sections 263.11(b) and (e); (2) Allow dwelling units at a density greater than one unit per 200 square feet of lot area under Section 207.5; (3) Allow exceptions to the bulk limits of the 85-B Bulk District above 50 feet in height as stated in Planning Code Section 270 and pursuant to the Planning Code Section 271(a); (b) and (c); and (4) Provide off-street parking in excess of accessory amounts as defined in Planning Code Section 204.5 pursuant to Planning Code Section 157(a), (b), and (d). The site is within the RSD (Residential Service District), and is within a 40-X/85-B Height and Bulk District, and is subject to interim policies of the South of Market Housing/Mixed Use Overlay District per Resolution No. 16727, located at 829 Folsom Street, south side, between 4th and 5th Streets; Lot 091 in Assessor's Block 3752. (Appellant: Hope Whitney, Farella Braun + Martel LLP, representing Yerba Buena Lofts Homeowners' Association.)

(Filed 11/22/04; companion measure to Files 141653, 141654, 041655, 041656; District 6.)

Continued to January 11, 2005 at 4:00 p.m.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: If you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041653 [Appeal, Conditional Use - 829 Folsom Street]

Motion approving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 11, 2005 at 4:00 p.m.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick

041654 [Appeal, Conditional Use - 829 Folsom Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street. (Clerk of the Board)

Continued to January 11, 2005 at 4:00 p.m.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick

041656 **[Environmental Review - 829 Folsom Street]**

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 11, 2005 at 4:00 p.m.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick

041655 **[Findings - 829 Folsom Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to January 11, 2005 at 4:00 p.m.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick

COMMITTEE REPORTS

041711 **[De-appropriate funding from the San Francisco Convention Facilities Management Visitors Bureau and reappropriate these funds to the Dept. of Public Health for Fiscal Year 2004-05.]** **Supervisors Sandoval, Daly**

Ordinance amending the Annual Appropriation Ordinance by reducing the appropriation to the Convention Facilities Management Visitors Bureau for professional services in the amount of $3,660,500 for Fiscal Year 2004-05 and re-appropriating $2,525,000 to the Department of Public Health's primary care health services including Tom Waddell Clinic and to fund HIV/AIDS Services.

Supervisor Daly requested to be added as co-sponsor.

Supervisor Peskin, seconded by Supervisor Sandoval, moved that this Ordinance be RE-REFERRED to the Budget Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly

041664 [Hunters Point Shipyard - Health Code - Fees]

Ordinance amending the Health Code by adding section 3108 to authorize the Department of Public Health to charge fees to defray the costs of implementation of Article 31 of the Health Code and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

041665 [Hunters Point Shipyard - Subdivision Code - Fees]

Ordinance amending the San Francisco Subdivision Code by adding Sections 1615, 1649, and 1664(e) to establish fees to defray the costs of implementation of Subdivision Code, Division 3, Articles 1-8 and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; general and homeless issues

Bob Chandler; support of Item 52 (Emperor Norton Bridge)

Philip Frank, SF Chronicle; support of Item 52 (Emperor Norton Bridge)

Jim Tanner; support of Item 52 (Emperor Norton Bridge)

Bob Planthold; support of Item 52 (Emperor Norton Bridge)

Community First Coalition; earthquake hazard zones

Nancy Mitchell; Bayview Hunter's Point issues

Female Speaker; environmental issues at Hunter's Point Shipyard

removal of land fill

Mary Green; transfer of parcel A at Hunter's Point Shipyard

Clifden Smith; Hunter's Point Shipyard development

Robert Pender, VP, Park Merced Residents Associates, Park Merced issues

Male Speaker; support of Item 52 (Emperor Norton Bridge)

Francisco di Costa; Precautionary Principle issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041680 **[Supporting the Demands of Caregivers at Sutter Health Hospitals]** **Supervisors Peskin, Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, McGoldrick, Sandoval, Ma**

Resolution urging Sutter Health to join other northern California hospital systems to adopt new policies to better meet patient and Caregiver needs.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 779-04

ADOPTED

041681 **[Commending Deputy City Attorney Kevin Scott Dickey]** **Supervisor Dufty**

Resolution commending Kevin Scott Dickey for eight years of exemplary public service to San Francisco as a Deputy City Attorney, and wishing him well in his future endeavors at Meyers Nave Riback Silver & Wilson.

Enacted Number: 759-04

ADOPTED

041685 [Wells Fargo Loan for Façade Improvement Program] Supervisors Elsbernd, Dufty

Resolution approving the City's acceptance of a $500,000 Loan from Wells Fargo Bank for the purpose of providing low-interest Façade Improvement Loans in low-income neighborhoods of San Francisco.

Enacted Number: 765-04
ADOPTED

041701 [Supporting AB19 - Religious Freedom and Civil Marriage Act] Supervisors Ammiano, Dufty, Daly

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 19 (AB19), the "Religious Freedom and Civil Marriage Act", which defines marriage as a civil contract between two people.

Supervisor Daly requested to be added as co-sponsor.

Enacted Number: 755-04
ADOPTED

041702 [United Church of Christ Ad] Supervisors Ammiano, Dufty, Daly

Resolution urging CBS and NBC to rescind their decisions to reject airing of the United Church of Christ advertisement promoting tolerance and acceptance of same-sex couples.

Supervisor Daly requested to be added as co-sponsor.

Enacted Number: 775-04
ADOPTED

041704 [Commending John Arntz and the Department of Elections] Supervisors Elsbernd, Maxwell, Alioto-Pier, Dufty, Peskin

Resolution commending John Arntz and the Department of Elections for their outstanding accomplishments.

Supervisor Peskin requested to be added as a co-sponsor.

Enacted Number: 758-04
ADOPTED

041705 [Urging the City Controller to provide comprehensive information regarding City Supervisors Gonzalez, Peskin

Committees, Subcommittees, Task Forces and Boards]

Resolution urging the City Controller to provide comprehensive information regarding City Committees, Subcommittees, Task Forces and Boards.

Supervisor Peskin requested to be added as a co-sponsor.

Enacted Number: 778-04

ADOPTED

041706 **[Accept-Expend Federal/State Grant - Threat Management/Stalking Vertical Prosecution Program]** **Supervisors Ma, Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $116,638 through the Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Threat Management/Stalking Vertical Prosecution Program."

Enacted Number: 772-04

ADOPTED

041707 **[Commending David Hardiman]** **Supervisors Ma, Peskin**

Resolution commending David Hardiman on the occasion of his retirement.

Enacted Number: 764-04

ADOPTED

041708 **[Accept-Expend Federal Grant - Gang Resistance Education and Training (G.R.E.A.T.)]** **Supervisors Maxwell, Dufty**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Bureau of Justice Assistance, Office of Justice Programs for a project entitled Gang Resistance Education and Training (G.R.E.A.T.).

Enacted Number: 763-04

ADOPTED

041710 **[Accept-Expend Federal Grant - Spousal Abuser Prosecution Program]** **Supervisors Alioto-Pier, Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $95,033 through the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program."

Enacted Number: 762-04
ADOPTED

041721 [Apply for Whale Tail State Grant from the California Coastal Commission] Supervisor Maxwell

Resolution authorizing the Department of the Environment to apply for a grant in the amount of $50,000 from the California Coastal Commission for teaching San Francisco students about water pollution prevention and protecting our bay, ocean and coast.

Enacted Number: 760-04
ADOPTED

041722 [Support Smoke Free Movies] Supervisors Maxwell, Daly

Resolution supporting smoke free movies.

Supervisor Daly requested to be added as co-sponsor.
Enacted Number: 776-04
ADOPTED

041723 [Commending the San Francisco Public Library for Prop 14 Funds] Supervisors Peskin, Elsbernd, Sandoval, McGoldrick, Dufty, Ma

Resolution commending the San Francisco Public Library for securing $9.7 million from state Proposition 14 funds for the renovation of the historic Richmond branch library and construction of a new Ingleside branch library.

Supervisor Ma requested to be added as a co-sponsor.
Enacted Number: 761-04
ADOPTED

041699 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M04-137
APPROVED

041700 [Emergency Declaration Concurrence Influenza Vaccine] Mayor

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

Enacted Number: M04-136

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Severed from the Without Reference to Committee Agenda

Supervisor Peskin requested to sever this matter so that it might be considered separately.

Supervisor Elsbernd, seconded by Supervisor Peskin, moved to suspend the Board of Supervisors Rules of Orders.

Motion to suspend the Rules of Order carried without objection.

041618 [Emperor Norton Bridge] Supervisors Peskin, Ammiano, Daly

Resolution urging the California Department of Transportation and members of the California Assembly and Senate to name the new additions to the San Francisco Bay Bridge in honor of Emperor Norton I, Emperor of the United States and Protector of Mexico.

Supervisor Daly requested to be added as co-sponsor.

Enacted Number: 780-04

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma
Excused: 1 - Alioto-Pier

Supervisor Maxwell requested to sever this matter so that it might be considered separately.

041709 **[Endorsing efforts between WestEd, Stanford Medical Center, and the SFUSD to collaborate on a five year research study on trauma]** Supervisors Maxwell, Dufty

Resolution endorsing efforts between WestEd, Stanford Medical Center, and the San Francisco Unified School District to collaborate on a five year research study on trauma and its effects on learning and executive functions in hopes of improving the cognitive learning functions of children effected by violence.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this **Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Alioto-Pier

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041740 **[Reenacting a Disadvantaged Business Enterprise Program]** Supervisor Ammiano

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of

emergency.

12/14/04, ASSIGNED UNDER 30 DAY RULE to Board of Supervisors, expires on 1/13/2005. 12/23/04 - Referred to Small Business Commission for review and comment.

041741 **[Castro Street and Upper Market Neighborhood Commercial Districts - Exemption of certain entertainment permits from the conditional use process]** **Supervisor Dufty**

Ordinance amending the San Francisco Planning Code by amending Section 715.48 and Section 721.48 to provide that existing bars in the Castro Street and Upper Market Neighborhood Commercial Districts will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; adopting findings.

12/14/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 1/13/2005.

041742 **[Deletion of a street flower market location on Market Street at Fifth Street]** **Supervisor Dufty**

Ordinance amending Public Works Code Article 5, Section 155 to delete the flower market location on the south side of Market Street within 100 feet of the west line of 5th Street.

12/14/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 1/13/2005.

041745 **[Regulating Skateboard Riding]** **Supervisor Ma**

Ordinance amending the San Francisco Traffic Code by amending section 100 (Ord. No. 300-98) so that it no longer applies to skateboard riders; repealing a second section 100 (Ord. No. 385-98); repealing sections 100.1 through 100.6, which established a pilot program regulating roller and in-line skaters that has now expired; and adding a new section 100.1, regulating the riding of skateboards in San Francisco.

12/14/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 1/13/2005. 12/17/04-Referred to Youth Commission. 1/10/05-Youth Commission response received.

041748 **[Development Agreements]** **Supervisor Daly**

Ordinance amending the San Francisco Administrative Code by amending Sections 56.2 and 56.3 to allow a housing project to enter into a Development Agreement with the City if the project has a minimum of 1,000 units, includes two or more buildings, will be built on a site exceeding two and one-half acres, and provides public benefits beyond those achievable through existing ordinances and regulations; adopting findings

under the California Environmental Quality Act.

12/14/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee. 12/17/04- Referred to Planning to determination of environmental impact. 12/22/04- Planning Department determination of exemption from environmental review received.

041751 **[Appropriate funds for the Human Services Agency's CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal Programs]** Mayor

Ordinance appropriating $5,988,448 from current year federal and state revenue allocations for the CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal programs to fund various program requirements including staffing; breakdown of the amounts per program are $1,539,670 to CalWORKS, $2,306,369 to IHSS and $2,142,409 to Medi-Cal programs for fiscal year 2004-05.

(Fiscal impact.)

12/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

041746 **[Accept-Expend Federal Grant]** Mayor, Supervisor Dufty

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $989,477 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) for the purpose of integrating the case management system for the JUSTIS Project. The new system will integrate the case management systems serving the Police, Sheriff, District Attorney, Public Defender, Adult Probation and the Superior Court. It will make the sharing of information within the criminal justice community easier, more efficient and accurate.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041747 **[Installation of four-way stop signs - Hyde and Vallejo Streets]** Supervisor Peskin

Resolution designating the intersection of Hyde and Vallejo Streets as a four-way stop intersection.

12/14/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/17/04- Referred to Parking and Traffic for review and determination of environmental impact. 12/23/04 - Parking and Traffic determination of exemption from environmental review received.

041749 **[Parking Regulations - Fell Street]** **Supervisor Gonzalez**

Resolution enacting parking regulations on a portion of Fell Street.

TOW-AWAY, NO STOPPING AT ANYTIME - ESTABLISH
Fell Street, south side, from 10 east of Masonic Avenue to 60 feet east of Masonic Avenue (50 foot zone).

(12/13/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

12/14/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/16/04-Traffic ad place in the 12/22/04 SF Chronicle.

041753 **[Urging acceptance of Pritikin Mansion as San Francisco's official `Mayoral Residence.']**

Resolution urging the acceptance of Pritikin Mansion as San Francisco's official `Mayoral Residence' on the condition that an agreement is worked out between the City and Robert C. Pritikin. Further that such an agreement should be brought before the Board by or before April 30th, 2005 for final approval.

12/14/04, RECEIVED AND ASSIGNED to Rules Committee.

041756 **[Early Retirement of City Employees]** **Supervisors Ammiano, Dufty**

Resolution urging the Mayor to utilize cost savings accrued through the early retirement of fifty (50) City employees through the Early Retirement Program established by Proposition "F" in 2003 to maintain current Recreation and Parks Directors, Senior Escort Employees and Environmental Control Officers.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041757 **[Urging the implementation of measures to prevent the consumption of lead tainted candy by children in San Francisco]** **Supervisors Ammiano, Dufty**

Resolution urging the United States Food and Drug Administration, the California Department of Health Services, and the San Francisco Department of Public Health to implement measures to prevent the consumption of lead tainted candy by children in San Francisco.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 12/15/04 - Referred to Youth Commission for review and comment. 12/20/04 - Received response from Youth Commission.

041758 **[Appointing Youth to the Library Commission]** **Supervisor Daly**

Resolution urging the Mayor to stand by his commitment to the youth of San Francisco by appointing youth to the Library Commission.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 12/15/04 - Referred to Youth Commission for review and comment. 12/20/04 - Received response from Youth Commission.

041759 [Amending conditions for Maiden Lane alley closure] Supervisor Peskin

Resolution amending conditions for Maiden Lane alley closure by eliminating requirements for fourteen foot access lane and for posting a guard at entry gates; amending signage requirements at entry gates and hours of table service; and replacing references to the Maiden Lane Association with the Union Square Association.

12/14/04, RECEIVED AND ASSIGNED to Land Use Committee. 12/22/04- Referred to Parking and Traffic for determination of environmental impact. 12/23/04 - Parking and Traffic determination of exemption from environmental review received.

041760 [Commending Health District Environmental Health Inspectors] Supervisor Peskin

Resolution commending Health District Four Health Inspectors for their dedication and commitment to ensuring safe and healthy living and working environments for San Franciscans living in Chinatown, Fisherman's Wharf, North Beach and the Financial District.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041761 [Opposing the Assembly Constitutional Amendment Bill 5] Supervisor Sandoval

Resolution opposing Assembly Constitutional Amendment Bill 5, regarding benefit plans for union workers.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

040329 [Conditional approval of an historical property contract for the Chronicle Building Market Street - The Chronicle Building]

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of conditional landmark No. 243 at 690 Market Street and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute the historical property contract.

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. 12/16/04, Notice of matter called out of Committee ad to run in Chronicle

December 18, 2004. Notices mailed on 12/17/04; See mailing list in file. 1/11/05 - Received memorandum fromr Supervisor Peskin relating to a memorandum from the City Attorney regarding to the 690 Market Street project. Copies were distributed to each Supervisor by Supervisor Peskin's staff.

12/14/04, CALLED FROM COMMITTEE. Pursuant to Rule 5.31, Supervisor Peskin called this measure from the Finance and Audits Committee for Board consideration on January 4, 2005.

041762 **[Accept-Expend Federal/State Grant - Victim/ Witness Assistance Program]** Supervisors Alioto-Pier, Dufty

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $90,654 through the Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Violence Against Women Vertical Prosecution Program."

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

041739 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

12/14/04, ASSIGNED to Board of Supervisors. Pursuant to File 041738, Board to sit as a Committee of the Whole on January 25, 2004, at 4:00 p.m.

041744 **[Widening of Martin Luther King Drive in Golden Gate Park]** Supervisor McGoldrick

Hearing to inquire into the procedures and the legality of the process used in recommending the widening of Martin Luther King Drive in Golden Gate Park, the parking garage entrances as well as reviewing alternatives to current recommendations for the southern entry into the Golden Gate Concourse Garage.

12/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

041750 [Types of federal funding resources available to the City and County for childhood nutrition] Supervisor Maxwell

Hearing to understand what types of federal funding resources are available to the City and County for childhood nutrition. In particular, (1) Is the City maximizing its efforts to aggressively pursue all the federal funding streams? (2) How many of the funding resources does the City currently receive? (3) Is the City leveraging everything it can to provide adequate nutrition for children? (4) What is preventing us from maximizing all the resources out there? (5) What are the barriers?

12/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041752 [S.F. Asthma Task Force Environmental Committee Recommendations] Supervisor Maxwell

Hearing on the status of response and implementation by the San Francisco Housing Authority on the recommendations submitted to them by the San Francisco Asthma Task Force Environmental Committee.

12/14/04, RECEIVED AND ASSIGNED to City Services Committee.

Motions

041738 [Emergency Disadvantaged Business Enterprise Program - January 25, 2005, Committee of the Whole] Supervisor Ammiano

Motion for the Board of Supervisors to convene as a committee of the whole on January 25, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041743 [Approving temporary modification to the Legislative Chamber Seating for the President and the Clerk of the Board to accommodate accessibility] Supervisor Alioto-Pier

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041754 [Needle Exchange Emergency] Supervisors Ammiano,

Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041755 [Emergency Declaration Concurrence - Influenza Vaccine] Mayor

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

12/14/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

041648 [Settlement of Lawsuit - Steve Potter]

Ordinance authorizing settlement of the lawsuit filed by Steve Potter against the City and County of San Francisco for $50,000 paid to the City and County of San Francisco by Cross-Defendant OneBeacon; the lawsuit was filed on March 20, 2003 in the United States District Court, Case No. C03-1217 MEJ; entitled Steve Potter, et al., v. City and County of San Francisco, et al; other material terms of said settlement are Cross-Defendant OneBeacon will pay $195,000 to plaintiff and plaintiff's counsel and $100,000 to co-defendant Palace of Fine Arts Theater League. (City Attorney)

12/2/04, RECEIVED AND ASSIGNED to Rules Committee.

041659 [Settlement of Lawsuit - Linda Vaccarezza]

Ordinance authorizing settlement of the lawsuit filed by Linda Vaccarezza against the City and County of San Francisco for $835,000; the lawsuit was filed on 3/12/04 in United States District Court, Case No. C04-1021; entitled Linda Vaccarezza v. City and County of San Francisco, et al. (City Attorney)

12/6/04, RECEIVED AND ASSIGNED to Rules Committee.

041663 [Settlement of Lawsuit - Quynh Le, et al., v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by Quynh Le, Weston Ngo, Candance Phan and Candance Phan as Guardian Ad Litem of Geoffrey

Ngo, a minor and Brittany Ngo, a minor against the City and County of San Francisco for a total payment of $28,000.00; the lawsuit was filed on May 30, 2003 in San Francisco Superior Court, Case No. 420-933; entitled Quynh Le, et al., v. City and County of San Francisco, et al. (City Attorney)

12/6/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041651 **[Expand treatment capacity for methamphetamine abuse in San Francisco]** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of $497,910 from the Center for Substance Abuse Treatment/Substance Abuse and Mental Health Services (CSAT/SAMHSA) to expand treatment capacity for methamphetamine abuse in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2004, to September 29, 2005. (Public Health Department)

12/2/04, RECEIVED AND ASSIGNED to City Services Committee.

041657 **[Grant of Federal Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $3,976,400 of Section 115 funds from the Federal Transit Administration for the Municipal Railway's Radio System Replacement and Third Street Phase 1 construction projects, excluding administrative overhead costs. (Municipal Transportation Agency)

12/3/04, RECEIVED AND ASSIGNED to Land Use Committee.

041658 **[Contract funds to support sustainable school-based health care]**

Resolution authorizing the San Francisco Department of Public Health, Balboa Teen Health Center, Community Health Programs for Youth (SFDPH), to enter retroactively into an agreement with Public Health Institute, California School Health Centers Association (PHI/CSHC) the primary contractor, and expend funds in the amount of $18,820 to support advocacy at the local, state, and national levels for sustainable school-based health care; for the period of August 1, 2004 to July 31, 2005. (Public Health Department)

12/3/04, RECEIVED AND ASSIGNED to City Services Committee.

12/8/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation. 12/20/04 - Received response from Youth Commission.

041660 [Accept-Expend Federal Grant]

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $30,000 from the Environmental Protection Agency to develop the San Francisco Green Healthcare Working Group consisting of local healthcare professionals and to facilitate ongoing meetings to conduct hands-on training to its members on a broad range of pollution prevention and resource conservation strategies. (Environment)

12/6/04, RECEIVED AND ASSIGNED to Land Use Committee.

041662 [Settlement of Claim - Third Street Lofts]

Resolution approving the settlement of the unlitigated claim filed by Third Street Lofts against San Francisco for $100,000; claim was filed on March 11, 2003. (City Attorney)

12/6/04, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: To redraft Sections 37.10A (c) and 37.10A(g) of the Administrative Code pursuant to the November 29, 2004 opinion of the First District California Court of Appeal in Baba v. Board of Supervisors of the City and County of San Francisco.

From: Supervisor Daly

To: Chief, Police Department

To: Director, Department of Public Works

To: Director, Mayor's Office of Disability

Requesting/Inquiring: Inquiring as to the purpose of the placement of metal barriers in the Tenderloin (specifically, Golden Gate Avenue between Hyde Street and Jones Street, Hyde Street between Golden Gate and Turk, and Leavenworth between Turk and McAllister) and whether these barriers are in violation of the American with Disabilities Act as well as San Francisco's Public Works Code, Article 15,Section 784.

From: Supervisor Elsbernd

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Inquiring as to the status of District 7 Traffic calming applications.

From: Supervisor Elsbernd

To: General Manager, Muni

Requesting/Inquiring: To investigate pedestrian safety alternatives at the SFSU and Stonestown stations, as a result of pedestrians frequently crossing against the light in an effort to catch the M car before it departs. Specifically, the Supervisor inquires if the M streetcar could hold at the stations through one light cycle so that waiting pedestrians know they will have a safe opportunity to cross, and if a Muni light signal could be installed at the stations so that the streetcar operator has a clear indication of when to hold and when to go.

From: Supervisor Elsbernd

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To investigate the feasibility of installing stop signs at the intersection of Upland and North Gate as

Beverly Kees (Supervisor Daly)

F. Darrin Perry (Supervisor Dufty)

Kathryn "Bonnie" Kathman (Supervisor Sandoval)

ADJOURNMENT

There being no further business, the Board at the hour of 7:00 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 25, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been

the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAYOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
The Clerk of the Board's Office TTY number is (415) 554-5227.
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that

deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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